



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

House Amendment 8060

PAG LIN

1 1 Amend House File 2436 as follows:
1 2 #1. Page 1, line 13, by inserting after the word
1 3 <minorities,> the following: <the impact of the
1 4 legislation on victims and public safety,>.
1 5 #2. Page 1, line 26, by inserting after the word
1 6 <rights> the following: <and the department of public
1 7 safety>.
1 8 #3. Page 1, line 28, by inserting after the word
1 9 <minorities> the following: <, victims, and public
1 10 safety>.
1 11 #4. Title page, line 2, by inserting after the
1 12 word <minorities> the following: <, victims, and
1 13 public safety>.
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1 17 BAUDLER of Adair
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1 21 BOAL of Polk
1 22 HF 2436.201 82
1 23 jm/nh/20443
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House Amendment 8061

PAG LIN

1 1 Amend House File 2338 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <Section 1. Section 232.2, subsection 12, Code
1 5 Supplement 2007, is amended by adding the following
1 6 new paragraph:
1 7 NEW PARAGRAPH. d. The violation of section 299.6
1 8 by a child ten years of age or older.
1 9 Sec. _____. Section 232.22, subsection 8, Code 2007,
1 10 is amended to read as follows:
1 11 8. Notwithstanding any other provision of the Code
1 12 to the contrary, a child shall not be placed in
1 13 detention for a violation of section 123.47 or 299.6,
1 14 or for failure to comply with a dispositional order
1 15 which provides for performance of community service
1 16 for a violation of section 123.47 or 299.6.>
1 17 #2. Page 1, by inserting after line 12 the
1 18 following:
1 19 <Sec. _____. Section 299.5A, unnumbered paragraph 4,
1 20 Code 2007, is amended to read as follows:
1 21 The school district shall be responsible for
1 22 monitoring any agreements arrived at through
1 23 mediation. If a parent, guardian, or legal or actual
1 24 custodian, or the child if the child is ten years of
1 25 age or older, refuses to engage in mediation or
1 26 violates a term of the agreement, the matter shall be
1 27 rereferred to the county attorney for prosecution
1 28 under section 299.6. The county attorney's office or
1 29 the mediation service shall require the parent,
1 30 guardian, or legal or actual custodian and the school
1 31 to pay a fee to help defray the administrative cost of
1 32 mediation services. The county attorney's office or
1 33 the mediation service shall establish a sliding scale
1 34 of fees to be charged parents, guardians, and legal or
1 35 actual custodians based upon ability to pay. A
1 36 parent, guardian, or legal or actual custodian shall
1 37 not be denied the services of a mediator solely
1 38 because of inability to pay the fee.
1 39 Sec. _____. Section 299.6, unnumbered paragraph 1,
1 40 Code 2007, is amended to read as follows:
1 41 Any person who violates a mediation agreement under
1 42 section 299.5A, who is referred for prosecution under
1 43 section 299.5A and is convicted of a violation of any
1 44 of the provisions of sections 299.1 through 299.5, who
1 45 violates any of the provisions of sections 299.1
1 46 through 299.5, or who refuses to participate in
1 47 mediation under section 299.5A, for a first offense,
1 48 is guilty of a simple misdemeanor. If a child ten
1 49 years of age or older violates a mediation agreement
1 50 under section 299.5A, or refuses to participate in



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House Amendment 8061 continued

2 1 mediation under section 299.5A, the child commits a
2 2 delinquent act.>
2 3 #3. Title page, line 1, by inserting after the
2 4 words <relating to> the following: <juvenile justice,
2 5 including>.
2 6 #4. Title page, line 2, by inserting after the
2 7 word <proceedings> the following: <, and compulsory
2 8 attendance at school, and making penalties
2 9 applicable>.
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2 13 HORBACH of Tama
2 14 HF 2338.301 82
2 15 jm/nh/11123



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House Amendment 8062

PAG LIN

1 1 Amend House File 2309, as passed by the House, as
1 2 follows:
1 3 #1. Page 6, by striking lines 5 through 16.
1 4 #2. By striking page 7, line 19, through page 9,
1 5 line 11.
1 6 #3. Title page, by striking lines 3 and 4 and
1 7 inserting the following: <program benefits, the
1 8 reporting of>.
1 9 #4. Title page, by striking line 8 and inserting
1 10 the following: <unit, the>.
1 11 #5. By renumbering as necessary.
1 12 HF 2309.S
1 13 pf/cc/26
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House Amendment 8063

PAG LIN

1 1 Amend Senate File 2111 as follows:
 1 2 #1. Page 1, by striking lines 2 through 9 and
 1 3 inserting the following: <2007 Iowa Acts, chapter
 1 4 146, section 1, is amended by striking the subsection
 1 5 and inserting in lieu thereof the following:
 1 6 2. Each public and nonpublic school shall, in
 1 7 collaboration with the department, do the following:
 1 8 a. Assure that the parent or guardian of a student
 1 9 enrolled in the school has complied with the
 1 10 requirements of subsection 1.
 1 11 b. Provide, if a student has not had a dental
 1 12 screening performed in accordance with subsection 1,
 1 13 the parent or guardian of the student with community
 1 14 dental screening referral resources, including contact
 1 15 information for the i=smile coordinator, department,
 1 16 or dental society.>
 1 17 #2. By striking page 1, line 22, through page 2,
 1 18 line 2, and inserting the following:
 1 19 <Sec. _____. Section 135.105D, subsection 2,
 1 20 paragraph b, Code Supplement 2007, is amended by
 1 21 striking the paragraph and inserting the following:
 1 22 b. The board of directors of each school district
 1 23 and the authorities in charge of each nonpublic school
 1 24 shall, in collaboration with the department, do the
 1 25 following:
 1 26 (1) Assure that the parent or guardian of a
 1 27 student enrolled in the school has complied with the
 1 28 requirements of paragraph "a".
 1 29 (2) Provide, if the parent or guardian cannot
 1 30 provide evidence that the child received a blood lead
 1 31 test in accordance with paragraph "a", the parent or
 1 32 guardian with community blood lead testing program
 1 33 information, including contact information for the
 1 34 department.
 1 35 Sec. _____. Section 135.105D, subsection 2,
 1 36 paragraph c, Code Supplement 2007, is amended by
 1 37 striking the paragraph.>
 1 38 #3. By renumbering as necessary.
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 1 42 COMMITTEE ON EDUCATION
 1 43 WENDT of Woodbury, CHAIRPERSON
 1 44 SF 2111.502 82
 1 45 kh/nh/10712

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House File 2485 - Introduced

HOUSE FILE
BY COMMITTEE ON LABOR

(SUCCESSOR TO HF 861)
(SUCCESSOR TO HF 182)

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

A BILL FOR

- 1 An Act concerning disclosures of information regarding patient
- 2 safety by health care workers and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6566HZ 82
- 5 ec/nh/5



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House File 2485 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 147.105 PATIENT PROTECTION ==
1 2 HEALTH CARE WORKERS == REPORT OF ADVERSE EVENTS.
1 3 1. DEFINITIONS. As used in this section, unless the
1 4 context otherwise requires:
1 5 a. "Direct care worker" means a trained and supervised
1 6 individual who provides services, care, and emotional support
1 7 to patients and health care recipients.
1 8 b. "Established guidelines for certified individuals and
1 9 direct care workers" includes written protocols and procedures
1 10 as defined by the department for direct care workers,
1 11 emergency medical care providers as defined in chapter 147A,
1 12 and substance abuse counselors as certified by the Iowa board
1 13 of certification.
1 14 c. "Health care worker" means any individual employed by
1 15 or under contract with a hospital, health care provider, or
1 16 health care agency to provide health care services.
1 17 d. "Professional standards of care" means authoritative
1 18 statements that describe a level of care or performance common
1 19 to the profession by which the quality of professional
1 20 practice can be judged and which reflect the values and
1 21 priorities of the profession.
1 22 2. A health care worker, who reasonably believes a
1 23 particular practice the health care worker has observed
1 24 occurring at the health care worker's place of employment or
1 25 at the health care entity where the health care worker is
1 26 rendering health care services, based on the health care
1 27 worker's professional standards of care, professional code of
1 28 ethics, or established guidelines for certified individuals
1 29 and direct care workers, is a material violation of health and
1 30 safety laws or a breach of public safety that has caused
1 31 serious harm to or creates a significant probability of
1 32 serious harm to patients or health care recipients, may report
1 33 the information relating to the violation or breach within
1 34 fourteen calendar days of its occurrence to the health care
1 35 worker's supervisor, employer, or member of management or



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House File 2485 - Introduced continued

2 1 administration, in order that investigation can be undertaken
2 2 and, if appropriate, corrective action be initiated. The
2 3 report shall be made in writing according to the business
2 4 operational procedures of the health care entity as outlined
2 5 in the personnel manual or other similar business arrangement
2 6 document applicable to employees of the health care entity.
2 7 The health care worker shall be protected against reprisals or
2 8 retaliatory or punitive action by the individual or
2 9 institution receiving such a report. The health care entity
2 10 shall respond, in writing, to the health care worker within
2 11 fourteen calendar days of receipt of the report outlining any
2 12 investigation or corrective action initiated by the health
2 13 care entity.

2 14 3. If after fourteen calendar days following the written
2 15 report of a material violation or breach made by the health
2 16 care worker pursuant to subsection 2, the health care worker
2 17 continues to see the particular practice occurring in the
2 18 workplace giving rise to the written report, the health care
2 19 worker may report information to the appropriate licensing
2 20 board, the department, the department of inspections and
2 21 appeals, the department of human services, the Iowa healthcare
2 22 collaborative, the division of insurance in the department of
2 23 commerce, a member or employee of the general assembly, the
2 24 attorney general, a state-mandated health information
2 25 collection agency, any other public official or law
2 26 enforcement agency, federal government agency or program, the
2 27 governing board of the health care worker's employer or
2 28 institution, or the health care worker's professional
2 29 association, and shall be protected against reprisals or
2 30 retaliatory or punitive actions by the individual or employing
2 31 health care entity if disclosure of the information is not
2 32 otherwise prohibited by statute and if the information meets
2 33 any of the following requirements:

2 34 a. Constitutes state-mandated health data required to be
2 35 submitted to state agencies.



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House File 2485 - Introduced continued

3 1 b. Informs state agencies or entities of violations of
3 2 state health, safety, occupational health, licensure, or
3 3 insurance laws.
3 4 c. Is reasonably believed by the health care worker to be
3 5 a material violation of health and safety laws or a breach of
3 6 public safety that has caused serious harm to or creates a
3 7 significant probability of serious harm to patients or health
3 8 care recipients, based upon the health care worker's
3 9 professional standards of care, professional code of ethics,
3 10 or established guidelines for certified individuals and direct
3 11 care workers.
3 12 A health care worker making a disclosure which violates any
3 13 provision of the federal Health Insurance Portability and
3 14 Accountability Act, Pub. L. No. 104=191, shall not be entitled
3 15 to protection pursuant to this section nor entitled to civil
3 16 remedies which might otherwise be available pursuant to
3 17 subsection 6 or 7.
3 18 4. A health care worker who, in good faith, makes a
3 19 written report of a material violation or breach pursuant to
3 20 subsection 2 or reports information described in subsection 3
3 21 shall be presumed to have established a prima facie case
3 22 showing a violation of subsection 2 or 3 by the health care
3 23 worker's employer if the individual or institution employing
3 24 the health care worker knows or has reason to know of the
3 25 disclosure, and if subsequent to the disclosure, one or more
3 26 of the following actions were initiated by the employer:
3 27 a. Discharge of the health care worker from employment.
3 28 b. Failure by the employer to take action regarding a
3 29 health care worker's appointment to, promotion or proposed
3 30 promotion to, or receipt of any advantage or benefit in the
3 31 health care worker's position of employment.
3 32 c. Any adverse change to the health care worker's terms or
3 33 conditions of employment or any administrative, civil, or
3 34 criminal action or other effort that diminished the
3 35 professional competence, reputation, stature, or marketability



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4 1 of the health care worker.

4 2 An employer shall have the burden of proof regarding any
4 3 attempt to show that actions taken pursuant to this subsection
4 4 were for a legitimate business purpose or were required by law
4 5 or administrative rule, which if proven is a complete defense.

4 6 5. If an individual or institution employing a health care
4 7 worker is determined to have violated state health, safety, or
4 8 occupational health and health licensure laws or regulations,
4 9 or professional standards of care, professional code of
4 10 ethics, or established guidelines for certified individuals
4 11 and direct care workers, after a disclosure pursuant to
4 12 subsection 2 or 3 results in an action as described in
4 13 subsection 4, such a determination shall create a presumption
4 14 of retaliation or reprisal against the health care worker in
4 15 violation of this section. Disclosure of a reasonable belief
4 16 that material violations of health and safety laws or breaches
4 17 of public safety have occurred that have caused or create a
4 18 significant probability of serious harm to patients and health
4 19 care recipients shall immediately trigger the protection
4 20 afforded by this section.

4 21 6. A person who violates this section is subject to a
4 22 civil action as follows:

4 23 a. A person who violates this section is liable to an
4 24 aggrieved health care worker for affirmative relief.

4 25 b. A person or entity who prevails in a civil action based
4 26 on this section is entitled to equitable relief the court
4 27 deems appropriate.

4 28 c. When a person commits, is committing, or proposes to
4 29 commit an act in violation of this section, an injunction may
4 30 be granted through an action in district court to prohibit the
4 31 person from continuing such acts. The action for injunctive
4 32 relief may be brought by an aggrieved health care worker or by
4 33 the county attorney.

4 34 d. A civil action brought pursuant to this subsection
4 35 shall be filed within six months from the date of the alleged



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5 1 violation.

5 2 7. a. In addition to any other penalties applicable to a
5 3 person who violates this section, an individual, institution,
5 4 or organization employing a person who violates this section
5 5 shall be subject to a civil penalty in the amount of one
5 6 thousand dollars per violation.

5 7 b. A health care worker found to bring a frivolous,
5 8 malicious, or nuisance cause of action against a health care
5 9 employer under this section shall be subject to a civil
5 10 penalty in the amount of one thousand dollars per violation
5 11 and up to four thousand dollars of reasonable attorney fees.

5 12 8. It is the intent of this section to protect public
5 13 safety and not to protect incompetent or unprofessional health
5 14 care workers.

5 15

EXPLANATION

5 16 This bill creates new Code section 147.105 to provide
5 17 protection for health care workers against retaliation or
5 18 reprisals resulting from the disclosure of certain patient
5 19 safety information.

5 20 The new Code section provides that a health care worker who
5 21 discloses information to a state or federal board, department,
5 22 or agency, including the attorney general and law enforcement
5 23 personnel, as described in the bill, after 14 days have
5 24 transpired following a written report to the employer and
5 25 opportunity to take corrective action has transpired on the
5 26 part of the individual or institution which employs the health
5 27 care worker and which is the subject of the disclosure, shall
5 28 be protected against reprisals or retaliatory or punitive
5 29 actions by the employer if disclosure of the information is
5 30 not otherwise prohibited by statute. The bill requires that
5 31 the health care entity respond to the health care worker
5 32 within 14 days. The bill provides that for this provision to
5 33 apply, the information disclosed must constitute
5 34 state-mandated health data required to be submitted to a state
5 35 agency, or inform a state agency or entity of a violation of



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6 1 state health, safety, occupational health, licensure, and
6 2 insurance laws, or is reasonably believed by the health care
6 3 worker to be a violation of health and safety laws or a breach
6 4 of public safety that has caused or creates a significant
6 5 probability of serious harm to patients or health care
6 6 recipients, based upon the health care worker's professional
6 7 standards of care, professional code of ethics, or established
6 8 guidelines for health care workers. The bill provides that
6 9 this provision shall not be applicable to a disclosure which
6 10 constitutes a violation of the federal Health Insurance
6 11 Portability and Accountability Act.

6 12 The new Code section provides that a health care worker
6 13 disclosing in good faith this information shall be presumed to
6 14 have established a prima facie case if the employer knows or
6 15 has reason to know of the disclosure, and if following the
6 16 disclosure the health care worker was discharged from
6 17 employment, or there was a failure by the employer to take
6 18 action regarding a health care worker's appointment or
6 19 promotion, or any adverse change to the health care worker's
6 20 terms or conditions of employment as well as any
6 21 administrative, civil, or criminal action or other effort that
6 22 diminishes the professional competence, reputation, stature,
6 23 or marketability of the health care worker. The bill provides
6 24 that the employer shall have the burden of proof regarding any
6 25 attempt to show that these actions were undertaken for a
6 26 legitimate business purpose.

6 27 The new Code section provides that if an employer is
6 28 determined to have violated state health, safety, or
6 29 occupational health or health licensure laws or regulations,
6 30 or professional standards of care or a professional code of
6 31 ethics, or certain guidelines, after a disclosure by a health
6 32 care worker resulting in an action taken against the worker as
6 33 described in the bill, this creates a presumption of
6 34 retaliation or reprisal. The bill provides that violations of
6 35 health and safety laws or breaches of public safety that have



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7 1 caused or create a significant probability of serious harm to
7 2 patients and health care recipients immediately trigger
7 3 protection.
7 4 The new Code section provides that violations may be
7 5 grounds for a civil action. The bill provides that in such an
7 6 action, an employer may be liable to an aggrieved health care
7 7 worker for affirmative relief, and other equitable relief the
7 8 court deems appropriate. The bill also provides for
7 9 injunctive relief. The bill provides that in addition to
7 10 other penalties, an individual, institution, or organization
7 11 employing a person found to be in violation of the bill's
7 12 provisions shall be subject to a civil penalty in the amount
7 13 of \$1,000 per violation. In addition, the bill provides that
7 14 a health care worker found to have brought a frivolous claim
7 15 under this new Code section is subject to a civil penalty of
7 16 up to \$1,000 per violation and up to \$4,000 of reasonable
7 17 attorney fees.
7 18 LSB 6566HZ 82
7 19 ec/nh/5



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House File 2486 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 629)

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

A BILL FOR

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



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



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House File 2486 - Introduced continued

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

2 21 Sec. 6. Section 135M.4, subsection 1, paragraph b, Code
2 22 Supplement 2007, is amended to read as follows:

2 23 b. The prescription drug bears an expiration date that is
2 24 more than six months after the date the prescription drug was
2 25 donated. However, a donated prescription drug bearing an
2 26 expiration date that is six months or less after the date the
2 27 prescription drug was donated may be accepted and distributed
2 28 if the drug is in high demand and can be dispensed for use
2 29 prior to the drug's expiration date.

2 30 Sec. 7. Section 136C.9, subsection 1, paragraph b, Code
2 31 2007, is amended to read as follows:

2 32 b. Specific licenses issued upon application to a person
2 33 named in the license to use, manufacture, produce, transfer,
2 34 receive, acquire, or possess quantities of or equipment using
2 35 radioactive material. Applicants requesting radioactive



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3 1 materials in quantities of concern, as identified by the
3 2 United States nuclear regulatory commission, shall submit
3 3 fingerprints to the United States nuclear regulatory
3 4 commission for a background check of all individuals
3 5 authorized for unescorted access to such material.

3 6 Sec. 8. Section 136C.15, subsection 2, paragraph a, Code
3 7 2007, is amended to read as follows:

3 8 a. The radiation machine meets the criteria for ~~the~~
~~3 9 American college of radiology~~ a mammography accreditation
3 10 program approved by the United States food and drug
3 11 administration. The department shall make copies of those
3 12 criteria available to the public and may by rule adopt
3 13 modified criteria. The department may accept an evaluation
3 14 report issued by ~~the American college of radiology~~ such an
3 15 approved accreditation program as evidence that a radiation
3 16 machine meets those criteria. If at any time the department
3 17 determines that it will not accept any evaluation reports
3 18 issued by ~~the American college of radiology~~ such an approved
3 19 accreditation program as evidence that a radiation machine
3 20 meets those criteria, the department shall promptly notify
3 21 each person who has registered a radiation machine under this
3 22 paragraph.

3 23 Sec. 9. Section 136C.15, subsections 4, 5, 6, and 10, Code
3 24 2007, are amended to read as follows:

3 25 4. To obtain authorization from the department to use a
3 26 radiation machine for mammography, the person who owns or
3 27 leases the radiation machine or an authorized agent of the
3 28 person shall apply to the department for mammography
3 29 authorization on an application form provided by the
3 30 department and shall provide all of the information required
3 31 by the department as specified on the application form. A
3 32 person who owns or leases more than one radiation machine used
3 33 for mammography shall obtain authorization for each radiation
3 34 machine. The department shall process and respond to an
3 35 application within thirty days after the date of receipt of



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4 1 the application. Upon determining to grant mammography
4 2 authorization for a radiation machine, the department shall
4 3 issue a certificate of registration specifying the mammography
4 4 authorization ~~for each authorized radiation machine.~~ A
4 5 mammography authorization is effective for three years.
4 6 5. ~~No later than sixty days after initial mammography~~
~~4 7 authorization of a radiation machine under this section, the~~
~~4 8 department shall inspect the radiation machine. After that~~
~~4 9 initial inspection, the~~ The department shall annually inspect
4 10 ~~the~~ each authorized radiation machine and may inspect the
4 11 radiation machine more frequently. The department shall make
4 12 reasonable efforts to coordinate the inspections under this
4 13 section with the department's other inspections of the
4 14 facility in which the radiation machine is located.
4 15 6. After each satisfactory inspection by the department,
4 16 the department shall issue a ~~certificate of radiation machine~~
4 17 written proof of inspection or a similar document identifying
4 18 the facility and radiation machine inspected and providing a
4 19 record of the date the radiation machine was inspected. ~~The~~
~~4 20 facility shall post the certificate or other document near the~~
~~4 21 inspected radiation machine.~~
4 22 10. If the department withdraws the mammography
4 23 authorization of a radiation machine, the radiation machine
4 24 shall not be used for mammography. An application for
4 25 reinstatement of a mammography authorization shall be filed
4 26 and processed in the same manner as an application for
4 27 mammography authorization under subsection 4, except that the
4 28 department shall not issue a reinstated certificate of
4 29 ~~mammography~~ registration specifying the mammography
4 30 authorization until the department inspects the radiation
4 31 machine and determines that it meets the standards set forth
4 32 in subsection 2. The department shall conduct an inspection
4 33 required under this subsection no later than sixty days after
4 34 receiving a proper application for reinstatement of a
4 35 mammography authorization.



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5 1 Sec. 10. Section 136D.3, Code 2007, is amended to read as
5 2 follows:

5 3 136D.3 APPLICATION OF CHAPTER.

5 4 1. This chapter does not apply to a phototherapy device
5 5 used by or under the supervision of a licensed physician
5 6 trained in the use of phototherapy devices. A tanning device
5 7 used by a tanning facility must comply with all applicable
5 8 federal laws and regulations.

5 9 2. This chapter shall not supersede or duplicate the
5 10 authority and programs of any other agency of the state or the
5 11 United States. To avoid duplication and promote coordination
5 12 of radiation protection activities, the department may enter
5 13 into written agreements pursuant to chapter 28E with other
5 14 state or federal agencies, with local boards of public health,
5 15 or with private organizations or individuals, to administer
5 16 this chapter.

5 17 Sec. 11. Section 139A.35, Code 2007, is amended to read as
5 18 follows:

5 19 139A.35 MINORS.

5 20 A minor ~~who seeks diagnosis or treatment for a sexually~~
~~5 21 transmitted disease or infection~~ shall have the legal capacity
5 22 to act and give consent to provision of medical care ~~and~~
~~5 23 service for the~~ or services to the minor for the prevention,
5 24 diagnosis, or treatment of a sexually transmitted disease or
5 25 infection by a hospital, clinic, or health care provider.
5 26 Such medical ~~diagnosis and treatment~~ care or services shall be
5 27 provided by or under the supervision of a physician licensed
5 28 to practice medicine and surgery, osteopathy, or osteopathic
5 29 medicine and surgery, a physician assistant, or an advanced
5 30 registered nurse practitioner. Consent shall not be subject
5 31 to later disaffirmance by reason of such minority. The
5 32 consent of another person, including but not limited to the
5 33 consent of a spouse, parent, custodian, or guardian, shall not
5 34 be necessary.

5 35 Sec. 12. NEW SECTION. 139A.41 CHLAMYDIA AND GONORRHEA



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6 1 TREATMENT.

6 2 Notwithstanding any other provision of law to the contrary,
6 3 a physician, physician assistant, or advanced registered nurse
6 4 practitioner who diagnoses a sexually transmitted chlamydia or
6 5 gonorrhea infection in an individual patient may prescribe,
6 6 dispense, furnish, or otherwise provide prescription oral
6 7 antibiotic drugs to that patient's sexual partner or partners
6 8 without examination of that patient's partner or partners. If
6 9 the infected individual patient is unwilling or unable to
6 10 deliver such prescription drugs to a sexual partner or
6 11 partners, a physician, physician assistant, or advanced
6 12 registered nurse practitioner may dispense, furnish, or
6 13 otherwise provide the prescription drugs to the department or
6 14 local disease prevention investigation staff for delivery to
6 15 the partner or partners.

6 16 Sec. 13. Section 144.28, subsection 1, Code Supplement
6 17 2007, is amended to read as follows:

6 18 1. a. The For the purposes of this section, "nonnatural
6 19 cause of death" means the death is a direct or indirect result
6 20 of physical, chemical, thermal, or electrical trauma, or drug
6 21 or alcohol intoxication or other poisoning.

6 22 b. Unless there is a nonnatural cause of death, the
6 23 medical certification shall be completed and signed by the
6 24 physician in charge of the patient's care for the illness or
6 25 condition which resulted in death within seventy-two hours
6 26 after receipt of the death certificate from the funeral
6 27 director or individual who initially assumes custody of the
6 28 body, except when inquiry is required by.

6 29 c. If there is a nonnatural cause of death, the county or
6 30 state medical examiner shall be notified and shall conduct an
6 31 inquiry.

6 32 d. If the decedent was an infant or child and the cause of
6 33 death is not known, a medical examiner's inquiry shall be
6 34 conducted and an autopsy performed as necessary to exclude a
6 35 nonnatural cause of death.



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7 1 e. If upon inquiry into ~~the~~ a death, the county or state
7 2 medical examiner determines that a preexisting natural disease
7 3 or condition was the likely cause of death and that the death
7 4 does not affect the public interest as described in section
7 5 331.802, subsection 3, the ~~county~~ medical examiner may elect
7 6 to defer to the physician in charge of the patient's
7 7 preexisting condition the certification of the cause of death.
7 8 f. When an inquiry is required by the county or state
7 9 medical examiner, the medical examiner shall investigate the
7 10 cause and manner of death and shall complete and sign the
7 11 medical certification within seventy-two hours after
7 12 determination of the cause and manner of death.

7 13 DIVISION II

7 14 ANIMALS FOR SCIENTIFIC RESEARCH CHAPTER REPEAL

7 15 Sec. 14. Section 135.1, unnumbered paragraph 1, Code 2007,
7 16 is amended to read as follows:

7 17 For the purposes of chapter 155 and Title IV, subtitle 2,
7 18 excluding chapters 142B, ~~145B~~, and 146, unless otherwise
7 19 defined:

7 20 Sec. 15. Section 135.11, subsection 14, Code Supplement
7 21 2007, is amended to read as follows:

7 22 14. Establish, publish, and enforce rules not inconsistent
7 23 with law for the enforcement of the provisions of chapters 125
7 24 and 155, and Title IV, subtitle 2, excluding chapters 142B,
7 25 ~~145B~~, and 146 and for the enforcement of the various laws, the
7 26 administration and supervision of which are imposed upon the
7 27 department.

7 28 Sec. 16. Section 162.20, subsection 5, paragraph c, Code
7 29 2007, is amended to read as follows:

7 30 c. The transfer of a dog or cat to ~~an institution as~~
7 31 ~~defined in section 145B.1~~, a research facility as defined in
7 32 section 162.27, or a person licensed by the United States
7 33 department of agriculture as a class B dealer pursuant to 9
7 34 C.F.R. subchapter A, part 2. However, a class B dealer who
7 35 receives an unsterilized dog or cat from a pound or animal



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8 1 shelter shall either sterilize the dog or cat or transfer the
8 2 unsterilized dog or cat to ~~an institution or a~~ research
8 3 facility provided in this paragraph. The class B dealer shall
8 4 not transfer a dog to ~~an institution or a~~ research facility,
8 5 if the dog is a greyhound registered with the national
8 6 greyhound association and the dog raced at a track associated
8 7 with pari-mutuel racing, unless the class B dealer receives
8 8 written approval of the transfer from a person who owned an
8 9 interest in the dog while the dog was racing.

8 10 Sec. 17. Section 717.1A, subsection 7, Code 2007, is
8 11 amended to read as follows:

8 12 7. ~~An institution, as defined in section 145B.1, or a A~~
8 13 research facility, as defined in section 162.2, provided that
8 14 the ~~institution or~~ research facility performs functions within
8 15 the scope of accepted practices and disciplines associated
8 16 with the ~~institution or~~ research facility.

8 17 Sec. 18. Section 717.2, subsection 3, Code 2007, is
8 18 amended to read as follows:

8 19 3. This section does not apply to ~~an institution, as~~
~~8 20 defined in section 145B.1, or a~~ research facility, as defined
8 21 in section 162.2, provided that the ~~institution or~~ research
8 22 facility performs functions within the scope of accepted
8 23 practices and disciplines associated with the ~~institution or~~
8 24 research facility.

8 25 Sec. 19. Section 717A.1, subsection 4, paragraph b, Code
8 26 2007, is amended to read as follows:

8 27 b. A location where an animal is maintained for
8 28 educational or scientific purposes, including ~~an institution~~
~~8 29 as defined in section 145B.1, a~~ research facility as defined
8 30 in section 162.2, an exhibition, or a vehicle used to
8 31 transport the animal.

8 32 Sec. 20. Section 717B.2, subsection 11, Code 2007, is
8 33 amended to read as follows:

8 34 11. ~~An institution, as defined in section 145B.1, or a A~~
8 35 research facility, as defined in section 162.2, provided that



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9 1 the ~~institution or~~ research facility performs functions within
9 2 the scope of accepted practices and disciplines associated
9 3 with the ~~institution or~~ research facility.

9 4 Sec. 21. Section 717B.3, subsection 2, Code 2007, is
9 5 amended to read as follows:

9 6 2. This section does not apply to ~~an institution, as~~
~~9 7 defined in section 145B.1, or~~ a research facility, as defined
9 8 in section 162.2, provided that the ~~institution or~~ research
9 9 facility performs functions within the scope of accepted
9 10 practices and disciplines associated with the ~~institution or~~
9 11 research facility.

9 12 Sec. 22. Section 717B.3A, subsection 2, paragraph k, Code
9 13 2007, is amended to read as follows:

9 14 k. ~~An institution, as defined in section 145B.1, or a A~~
9 15 research facility, as defined in section 162.2, provided that
9 16 the ~~institution or~~ research facility performs functions within
9 17 the scope of accepted practices and disciplines associated
9 18 with the ~~institution or~~ research facility.

9 19 Sec. 23. Section 717D.3, subsection 2, paragraph k, Code
9 20 2007, is amended to read as follows:

9 21 k. ~~An institution, as defined in section 145B.1, or a A~~
9 22 research facility, as defined in section 162.2, provided that
9 23 the ~~institution or~~ research facility performs functions within
9 24 the scope of accepted practices and disciplines associated
9 25 with the ~~institution or~~ research facility.

9 26 Sec. 24. Chapter 145B, Code 2007, is repealed.

9 27 DIVISION III
9 28 COUNCIL ON CHEMICALLY EXPOSED INFANTS AND
9 29 CHILDREN CHAPTER REPEAL

9 30 Sec. 25. Chapter 235C, Code 2007, is repealed.

9 31 EXPLANATION

9 32 This bill relates to health-related activities and
9 33 regulation by the department of public health. The bill is
9 34 organized into divisions.

9 35 GENERAL PROVISIONS. This division amends various Code



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10 1 provisions involving the activities and regulatory authority
10 2 of the department.
10 3 Code section 135.11, relating to the duties of the
10 4 department, is amended to remove the responsibility for
10 5 exercising general supervision over the administration of the
10 6 housing law and giving aid to local authorities in the
10 7 enforcement of the law. In addition, the department is
10 8 generally directed to maintain divisions necessary to enforce
10 9 the laws administered by the department in place of a list of
10 10 specific divisions, including contagious and infectious
10 11 diseases, venereal diseases, housing, sanitary engineering,
10 12 and vital statistics.
10 13 Code section 135.22B, relating to the brain injury services
10 14 program administered by the department, is amended to provide
10 15 that the brain injury diagnosis used for the cost=share
10 16 component of the program is the same as that used for the
10 17 Medicaid home and community=based services waiver for persons
10 18 with brain injury.
10 19 Code section 135.37, relating to inspection and enforcement
10 20 activities by the department involving tattooing
10 21 establishments, is amended to authorize the department to
10 22 enter into agreements with local boards of public health for
10 23 inspection and enforcement activities involving such
10 24 establishments.
10 25 Code section 135I.2, relating to swimming pools and spas
10 26 that are subject to regulation by the department, is amended
10 27 to allow the department to use written agreements with local
10 28 boards of public health to provide inspection and enforcement
10 29 instead of Code chapter 28E agreements.
10 30 Code section 135M.4, relating to the prescription drug
10 31 donation repository program, is amended to provide an
10 32 exception to allow the program to accept and distribute a
10 33 donated prescription drug bearing an expiration date that is
10 34 six months or less after the date the drug was donated.
10 35 Current law prohibits acceptance of a drug with an expiration



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11 1 date that is less than six months after the date the drug was
11 2 donated. Under the exception, the drug must be in high demand
11 3 and can be dispensed for use prior to the drug's expiration
11 4 date.

11 5 Code section 136C.9, providing for the department of public
11 6 health to establish a system for registration of radiation
11 7 machines and licensing of radioactive materials, is amended.
11 8 The bill provides that if a license applicant requests
11 9 radioactive materials in quantities of concern, as identified
11 10 by the U.S. nuclear regulatory commission, the applicant must
11 11 submit fingerprints to the commission for a background check
11 12 of all individuals authorized for unescorted access to the
11 13 radioactive materials.

11 14 Code section 136C.15, relating to accreditation of
11 15 radiation machines used for mammography, is amended to change
11 16 the approval authority for the accreditation program to the
11 17 United States food and drug administration, allow a general
11 18 registration for mammography authorization to be issued
11 19 instead of one for each machine, replace the required
11 20 inspection of a radiation machine within 60 days of the
11 21 initial authorization with an annual inspection requirement,
11 22 and replace a certificate of radiation machine inspection with
11 23 a written proof of inspection and eliminate the required
11 24 posting of the written proof.

11 25 Code section 136D.3, relating to the applicability of Code
11 26 chapter 136D, the tanning facility regulation Act, is amended
11 27 to allow the department to use written agreements to provide
11 28 for inspection and enforcement instead of Code chapter 28E
11 29 agreements and to include local boards of public health as
11 30 entities that may agree to provide inspection and enforcement
11 31 under the Act.

11 32 Code section 139A.35, relating to the authority of a minor
11 33 to give consent for provision of medical care or services for
11 34 a sexually transmitted disease or infection, is amended to
11 35 allow the consent for prevention, diagnosis, or treatment.



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12 1 Current law limits the consent authority of a minor to
12 2 diagnosis and treatment.
12 3 New Code section 139A.41 authorizes various licensed health
12 4 care providers who diagnose a patient as having a sexually
12 5 transmitted chlamydia or gonorrhea infection to provide
12 6 prescription oral antibiotic drugs for the patient's sexual
12 7 partner or partners without examining the partner or partners.
12 8 If the patient is unable or unwilling to deliver the drugs to
12 9 the partner or partners, the department or local disease
12 10 prevention investigation staff may deliver the drugs.
12 11 Code section 144.28, relating to the medical certification
12 12 of death, is amended to require an inquiry by the county or
12 13 state medical examiner when there is a "nonnatural cause of
12 14 death". This term is defined by the bill to mean the death is
12 15 the direct or indirect result of physical, chemical,
12 16 electrical, or thermal trauma, or drug or alcohol intoxication
12 17 or other poisoning. Unless there is a nonnatural cause of
12 18 death, the requirement in current law applies which requires
12 19 the physician in charge to sign the medical certification
12 20 within 72 hours of receiving the death certificate. If there
12 21 is a nonnatural death, the bill requires notification of the
12 22 county or state medical examiner who is required to conduct an
12 23 inquiry. If the decedent was an infant or child and there is
12 24 not a known cause of death, a medical examiner's inquiry is
12 25 required and an autopsy as necessary to exclude a nonnatural
12 26 cause of death. When there is an inquiry, the medical
12 27 examiner is required by the bill to determine the manner of
12 28 death in addition to determining the cause of death as is
12 29 required under current law.
12 30 ANIMALS FOR SCIENTIFIC RESEARCH CHAPTER REPEAL. This
12 31 division repeals Code chapter 145B, relating to the
12 32 department's authority to regulate the use of dogs and other
12 33 animals for scientific research and other provisions
12 34 regulating such use. Various other Code sections are amended
12 35 to reflect the repeal.



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13 1 COUNCIL ON CHEMICALLY EXPOSED INFANTS AND CHILDREN. This
13 2 division repeals Code chapter 235C which establishes the
13 3 council on chemically exposed infants and children as a
13 4 subcommittee of the committee on maternal and child health of
13 5 the community health division of the department. The
13 6 council's duties include data collection, enhancing prevention
13 7 and education, increasing identification of such infants and
13 8 children, improving treatment services, expanding care and
13 9 placement options, and awarding grants.
13 10 LSB 5466HV 82
13 11 jp/nh/24



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HOUSE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 529)

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

A BILL FOR

- 1 An Act relating to student achievement and teacher quality
- 2 program definitions and requirements and extending or changing
- 3 program allocations.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5334HV 82
- 6 kh/rj/8



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PAG LIN

1 1 Section 1. Section 282.10, subsection 4, Code 2007, is
1 2 amended to read as follows:
1 3 4. A whole grade sharing agreement shall be signed by the
1 4 boards of the districts involved in the agreement not later
1 5 than February 1 of the school year preceding the school year
1 6 for which the agreement is to take effect. The boards of the
1 7 districts shall negotiate as part of the new or existing
1 8 agreement the disposition of teacher quality funding provided
1 9 under chapter 284.

1 10 Sec. 2. Section 284.2, subsection 11, Code Supplement
1 11 2007, is amended to read as follows:
1 12 11. "Teacher" means an individual who holds a
1 13 practitioner's license issued under chapter 272, or a
1 14 statement of professional recognition issued under chapter 272
1 15 who is employed in a nonadministrative position by a school
1 16 district or area education agency pursuant to a contract
1 17 issued by a board of directors under section 279.13. A
1 18 teacher may be employed in both an administrative and a
1 19 nonadministrative position by a board of directors and shall
1 20 be considered a part-time teacher for the portion of time that
1 21 the teacher is employed in a nonadministrative position.
1 22 ~~"Teacher" includes a licensed individual employed on a less~~
1 23 ~~than full-time basis by a school district through a contract~~
1 24 ~~between the school district and an institution of higher~~
1 25 ~~education with a practitioner preparation program in which the~~
1 26 ~~licensed teacher is enrolled.~~

1 27 Sec. 3. Section 284.7, subsection 1, paragraph a,
1 28 subparagraph (2), Code Supplement 2007, is amended to read as
1 29 follows:

1 30 (2) Beginning July 1, ~~2007~~ 2008, the minimum salary for a
1 31 beginning teacher shall be ~~twenty-six~~ twenty-eight thousand
1 32 ~~five hundred~~ dollars.

1 33 Sec. 4. Section 284.7, subsection 1, paragraph b,
1 34 subparagraph (2), Code Supplement 2007, is amended to read as
1 35 follows:



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2 1 (2) Beginning July 1, ~~2007~~ 2008, the minimum salary for a
2 2 first-year career teacher shall be ~~twenty-seven~~ thirty
2 3 thousand ~~five hundred~~ dollars and the minimum salary for all
~~2 4 other career teachers shall be twenty-eight thousand five~~
~~2 5 hundred dollars.~~

2 6 Sec. 5. Section 284.7, subsection 5, paragraph b, Code
2 7 Supplement 2007, is amended to read as follows:
2 8 b. If, once the minimum salary requirements of this
2 9 section have been met by the school district or area education
2 10 agency, and the school district or area education agency
2 11 receiving funds pursuant to section 284.13, subsection 1,
2 12 paragraph "h" or "i", for purposes of this section, and the
2 13 certified bargaining representative for the licensed employees
2 14 have not reached an agreement for distribution of the funds
2 15 remaining, in accordance with paragraph "a", the board of
2 16 directors shall divide the funds remaining among full-time
2 17 teachers employed by the district or area education agency
2 18 whose regular compensation is equal to or greater than the
2 19 minimum salary specified in this section. The payment amount
2 20 for teachers employed on less than a full-time basis shall be
2 21 prorated. For purposes of this paragraph, regular
2 22 compensation means base salary plus any salary provided under
2 23 chapter 294A.

2 24 Sec. 6. Section 284.7, subsection 5, Code Supplement 2007,
2 25 is amended by adding the following new paragraph:
2 26 NEW PARAGRAPH. e. A school district or area education
2 27 agency receiving funds pursuant to section 284.13, subsection
2 28 1, paragraph "h" or "i", shall determine the amount to be paid
2 29 to teachers in accordance with this subsection and the amount
2 30 determined to be paid to an individual teacher shall be
2 31 divided evenly and paid in each pay period of the fiscal year.

2 32 Sec. 7. Section 284.8, subsection 1, Code Supplement 2007,
2 33 is amended to read as follows:
2 34 1. A school district shall review a teacher's performance
2 35 at least once every three years for purposes of assisting



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3 1 teachers in making continuous improvement, documenting
3 2 continued competence in the Iowa teaching standards,
3 3 identifying teachers in need of improvement, or to determine
3 4 whether the teacher's practice meets school district
3 5 expectations for career advancement in accordance with section
3 6 284.7. The review shall include, at minimum, classroom
3 7 observation of the teacher, the teacher's progress, and
3 8 implementation of the teacher's individual professional
3 9 development plan, subject to the level of ~~funding~~ resources
3 10 provided to implement the plan; and shall include supporting
3 11 documentation from parents, students, and other evaluators,
3 12 ~~teachers, parents, and students.~~

3 13 Sec. 8. Section 284.13, subsection 1, paragraphs a and b,
3 14 Code Supplement 2007, are amended to read as follows:

3 15 a. For ~~each the~~ fiscal year ~~of the fiscal period~~ beginning
3 16 July 1, ~~2007~~ 2008, and ending June 30, 2009, to the department
3 17 of education, the amount of one million ~~eighty-seven~~ seven
3 18 hundred seven thousand five hundred dollars for the issuance
3 19 of national board certification awards in accordance with
3 20 section 256.44.

3 21 ~~(1)~~ Of the amount allocated under this paragraph "~~a~~", not
3 22 less than eighty-five thousand dollars shall be used to
3 23 administer the ambassador to education position in accordance
3 24 with section 256.45.

3 25 ~~(2) Of the amount allocated under this paragraph "a", for~~
~~3 26 the fiscal year beginning July 1, 2007, and ending June 30,~~
~~3 27 2008, not less than one million dollars shall be used to~~
~~3 28 supplement the allocation of funds for market factor teacher~~
~~3 29 incentives made pursuant to paragraph "f", subparagraph (1).~~

3 30 b. For the fiscal year beginning July 1, ~~2006~~ 2008, and
3 31 succeeding fiscal years, an amount up to four million six
3 32 hundred fifty thousand dollars for first-year and second-year
3 33 beginning teachers, to the department of education for
3 34 distribution to school districts and area education agencies
3 35 for purposes of the beginning teacher mentoring and induction



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4 1 programs. A school district or area education agency shall
4 2 receive one thousand ~~three~~ five hundred dollars per beginning
4 3 teacher participating in the program. If the funds
4 4 appropriated for the program are insufficient to pay mentors,
4 5 school districts, and area education agencies as provided in
4 6 this paragraph, the department shall prorate the amount
4 7 distributed to school districts and area education agencies
4 8 based upon the amount appropriated. Moneys received by a
4 9 school district or area education agency pursuant to this
4 10 paragraph shall be expended to provide each mentor with an
4 11 award of ~~five~~ six hundred dollars per semester, at a minimum,
4 12 for participation in the school district's or area education
4 13 agency's beginning teacher mentoring and induction program; to
4 14 implement the plan; and to pay any applicable costs of the
4 15 employer's share of contributions to federal social security
4 16 and the Iowa public employees' retirement system or a pension
4 17 and annuity retirement system established under chapter 294,
4 18 for such amounts paid by the district or area education
4 19 agency.

4 20 Sec. 9. Section 284.13, subsection 1, paragraphs d and e,
4 21 Code Supplement 2007, are amended to read as follows:

4 22 d. (1) For the fiscal year beginning July 1, ~~2007~~ 2008,
4 23 and ending June 30, ~~2008~~ 2009, up to ~~twenty~~ thirty million
4 24 dollars to the department for use by school districts for
4 25 professional development as provided in section 284.6. Of the
4 26 amount allocated under this paragraph, up to ten million
4 27 dollars shall be provided to school districts for professional
4 28 development related to the infusion and implementation of the
4 29 model core curriculum prescribed in section 256.7, subsection
4 30 26. The department shall distribute funds allocated for the
4 31 purpose of this paragraph based on the average per diem
4 32 contract salary for each district as reported to the
4 33 department for the school year beginning July 1, ~~2006~~ 2007,
4 34 multiplied by the total number of full-time equivalent
4 35 teachers in the base year. The department shall adjust each



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5 1 district's average per diem salary by the allowable growth
5 2 rate established under section 257.8 for the fiscal year
5 3 beginning July 1, ~~2007~~ 2008. The contract salary amount shall
5 4 be the amount paid for their regular responsibilities but
5 5 shall not include pay for extracurricular activities. These
5 6 funds shall not supplant existing funding for professional
5 7 development activities. Notwithstanding any provision to the
5 8 contrary, moneys received by a school district under this
5 9 paragraph shall not revert but shall remain available for the
5 10 same purpose in the succeeding fiscal year. A school district
5 11 shall submit a report to the department in a manner determined
5 12 by the department describing its use of the funds received
5 13 under this paragraph. The department shall submit a report on
5 14 school district use of the moneys distributed pursuant to this
5 15 paragraph to the general assembly and the legislative services
5 16 agency not later than January 15 of the fiscal year for which
5 17 moneys are allocated for purposes of this paragraph.

5 18 (2) From moneys available under subparagraph (1) for the
5 19 fiscal year beginning July 1, ~~2007~~ 2008, and ending June 30,
5 20 ~~2008~~ 2009, the department shall allocate to area education
5 21 agencies an amount per teacher employed by an area education
5 22 agency that is approximately equivalent to the average per
5 23 teacher amount allocated to the districts. The average per
5 24 teacher amount shall be calculated by dividing the total
5 25 number of teachers employed by school districts and the
5 26 teachers employed by area education agencies into the total
5 27 amount of moneys available under subparagraph (1).

5 28 e. For ~~the each~~ fiscal year ~~beginning July 1, 2007, and~~
~~5 29 ending June 30, 2008~~ in which funds are appropriated for
5 30 purposes of this chapter, an amount up to one million eight
5 31 hundred forty-five thousand dollars to the department for the
5 32 establishment of teacher development academies in accordance
5 33 with section 284.6, subsection 10. A portion of the funds
5 34 allocated to the department for purposes of this paragraph may
5 35 be used for administrative purposes.



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6 1 EXPLANATION
6 2 This bill makes changes to the student achievement and
6 3 teacher quality program.
6 4 The bill increases the allocation for national board
6 5 certification awards by \$620,000 for FY 2008=2009.
6 6 The bill requires that school districts entering into a
6 7 whole grade sharing agreement include the disposition of
6 8 student achievement and teacher quality funding received in
6 9 the agreement, changes the definition of teacher for purposes
6 10 of the program, raises the minimum beginning and first-year
6 11 career teacher salaries, defines regular compensation, raises
6 12 beginning teacher mentoring and induction awards to mentors,
6 13 allocates \$10 million to school districts for professional
6 14 development related to implementation of the model core
6 15 curriculum, and extends program allocations for professional
6 16 development for school district and area education agency
6 17 teachers and for teacher development academies through FY
6 18 2008=2009.
6 19 The bill changes the definition of teacher to eliminate
6 20 language related to individuals who are part-time teachers
6 21 under a contract between a school district and a practitioner
6 22 preparation program.
6 23 The bill increases the minimum beginning teacher's salary
6 24 to \$28,000 from \$26,500, and increases the minimum first-year
6 25 career teacher's salary to \$30,000 from \$27,500. The bill
6 26 also eliminates language setting the minimum salary for all
6 27 other career teachers at \$28,500.
6 28 When the school district or area education agency and the
6 29 certified bargaining representative for the institution's
6 30 licensed employees have not reached an agreement for purposes
6 31 of distributing teacher salary funding, the bill defines
6 32 "regular compensation" as the base salary plus any salary
6 33 moneys provided under the educational excellence program. The
6 34 bill also provides that the salary moneys will be divided
6 35 evenly and paid in each pay period of the fiscal year.



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7 1 Currently, a school district must review a teacher's
7 2 performance at least once every three years. The bill
7 3 replaces the language that limits the review to certain areas
7 4 subject to the level of funding provided, to instead make the
7 5 limitation subject to the level of resources provided. The
7 6 bill also eliminates a requirement that the review include
7 7 supporting documentation from other evaluators.
7 8 The bill eliminates obsolete language related to market
7 9 factor teacher incentives.
7 10 The bill increases the amount the state provides to school
7 11 districts and area education agencies for each beginning
7 12 teacher participating in a beginning teacher mentoring and
7 13 induction program to \$1,500 per beginning teacher; an increase
7 14 of \$200 over previous years. The bill requires that the
7 15 additional dollars be paid to mentors, increasing mentor
7 16 awards from \$500 to \$600 per semester.
7 17 LSB 5334HV 82
7 18 kh/rj/8



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

House File 2488 - Introduced

HOUSE FILE

BY PETTENGILL, LUKAN, SODERBERG,
WINDSCHITL, ALONS, L. MILLER,
FORRISTALL, ARNOLD, RASMUSSEN,
HEATON, VAN ENGELENHOVEN,
DEYOE, S. OLSON, GRANZOW,
DRAKE, and UPMEYER

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

A BILL FOR

- 1 An Act relating to the destruction of public records containing
- 2 personal information and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6283YH 82
- 5 md/nh/14



Iowa General Assembly
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March 04, 2008

House File 2488 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 22.15 PROTECTION OF PERSONAL
1 2 INFORMATION == DESTRUCTION OF PUBLIC RECORDS == PENALTY.
1 3 1. "Personal information" means an individual's first name
1 4 or first initial and last name in combination with any one or
1 5 more of the following data elements that relate to the
1 6 individual if neither the name nor the data elements are
1 7 encrypted, redacted, or otherwise altered by any method or
1 8 technology in such a manner that the name or data elements are
1 9 unreadable:
1 10 a. Social security number.
1 11 b. Driver's license number or other unique identification
1 12 number created or collected by a government body.
1 13 c. Financial account number, credit card number, or debit
1 14 card number in combination with any required security code,
1 15 access code, or password that would permit access to an
1 16 individual's financial account.
1 17 d. Unique electronic identifier or routing code, in
1 18 combination with any required security code, access code, or
1 19 password.
1 20 e. Unique biometric data, such as a fingerprint, voice
1 21 print or recording, retina or iris image, or other unique
1 22 physical representation or digital representation of the
1 23 biometric data.
1 24 2. Unless otherwise required by federal or state law, each
1 25 government body shall take reasonable steps to destroy or
1 26 arrange for the destruction of a public record, or portion
1 27 thereof, containing personal information within its control,
1 28 which is no longer required to be retained by the government
1 29 body. Destruction of a public record, or portion thereof,
1 30 shall be in accordance with the following minimum standards:
1 31 a. Paper documents containing personal information shall
1 32 be either redacted, burned, pulverized, or shredded so that
1 33 personal information cannot practicably be read or
1 34 reconstructed.
1 35 b. Electronic media and other nonpaper media containing



Iowa General Assembly
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March 04, 2008

House File 2488 - Introduced continued

2 1 personal information shall be destroyed or erased so that
2 2 personal information cannot practicably be read,
2 3 reconstructed, or deciphered through any means.

2 4 3. A government body may contract with a third party to
2 5 destroy public records containing personal information in
2 6 accordance with the requirements of this section. Any third
2 7 party hired to destroy public records containing personal
2 8 information shall implement and monitor compliance with
2 9 policies and procedures that prohibit unauthorized access to
2 10 or acquisition of or use of personal information during the
2 11 collection, transportation, and destruction of personal
2 12 information.

2 13 4. A government body or third party that violates the
2 14 provisions of this section shall be subject to a civil penalty
2 15 of not more than one hundred dollars per public record
2 16 affected, provided such penalty shall not exceed fifty
2 17 thousand dollars for each instance of improper destruction.
2 18 The office of attorney general or a county attorney may
2 19 enforce the provisions of this section.

2 20 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
2 21 3, shall not apply to this Act.

2 22 EXPLANATION

2 23 This bill relates to the destruction of public records
2 24 containing personal information. The bill, in new Code
2 25 section 22.15, specifies certain minimum standards for the
2 26 destruction of public records that contain personal
2 27 information. The bill requires a government body to take
2 28 reasonable steps and adhere to those minimum standards when
2 29 destroying a public record which is no longer required to be
2 30 retained by the government body.

2 31 The bill allows a government body to contract with a third
2 32 party to destroy public records containing personal
2 33 information.

2 34 The bill provides that a government body or a third party,
2 35 which includes all officials, officers, and employees who are



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House File 2488 - Introduced continued

3 1 delegated authority, that violate new Code section 22.15 are
3 2 subject to a civil penalty of not more than \$100 per public
3 3 record affected, up to a maximum penalty of \$50,000 for each
3 4 instance of improper destruction.
3 5 The bill may include a state mandate as defined in Code
3 6 section 25B.3. The bill makes inapplicable Code section
3 7 25B.2, subsection 3, which would relieve a political
3 8 subdivision from complying with a state mandate if funding for
3 9 the cost of the state mandate is not provided or specified.
3 10 Therefore, political subdivisions are required to comply with
3 11 any state mandate included in the bill.
3 12 LSB 6283YH 82
3 13 md/nh/14



Iowa General Assembly
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House File 2489 - Introduced

HOUSE FILE
BY VAN FOSSEN

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

A BILL FOR

- 1 An Act to allow disabled persons to park in metered parking
- 2 spaces free of charge.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6288YH 82
- 5 md/nh/8



Iowa General Assembly
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House File 2489 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.236, subsection 1, unnumbered
1 2 paragraph 1, Code Supplement 2007, is amended to read as
1 3 follows:

1 4 Regulating the standing or parking of vehicles, except as
1 5 provided in section 321L.4, subsection 2A.

1 6 Sec. 2. Section 321L.4, subsection 1, Code 2007, is
1 7 amended to read as follows:

1 8 1. A persons with disabilities parking permit shall be
1 9 displayed in a motor vehicle as a removable windshield placard
1 10 or on a vehicle as a plate or sticker as provided in section
1 11 321L.2 when being used by a person with a disability, either
1 12 as an operator or passenger. Each removable windshield
1 13 placard shall be of uniform design and fabricated of durable
1 14 material, suitable for display from within the passenger
1 15 compartment of a motor vehicle, and readily transferable from
1 16 one vehicle to another. The placard shall only be displayed
1 17 when the motor vehicle is parked in a persons with
1 18 disabilities parking space or a parking space controlled by a
1 19 parking meter, except as provided in section 321L.2A.

1 20 Sec. 3. Section 321L.4, Code 2007, is amended by adding
1 21 the following new subsection:

1 22 NEW SUBSECTION. 2A. A person properly displaying a
1 23 persons with disabilities parking permit may park in a metered
1 24 parking space controlled by a local authority free of charge.

1 25 EXPLANATION

1 26 This bill allows a disabled person who is displaying a
1 27 persons with disabilities parking permit to park in a metered
1 28 parking space free of charge. The bill also allows the
1 29 display of a persons with disabilities removable windshield
1 30 placard while the motor vehicle is parked in a metered parking
1 31 space.

1 32 LSB 6288YH 82

1 33 md/nh/8



Iowa General Assembly
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House File 2490 - 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 requirements for service contracts with state
- 2 agencies.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6324HH 82
- 5 ak/nh/14



Iowa General Assembly
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House File 2490 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 68B.8 DEPARTMENT OF HUMAN
1 2 SERVICES == CERTAIN CONTRACTS PROHIBITED.
1 3 1. In addition to the limitations in section 68B.7, a
1 4 person who has been employed by the department of human
1 5 services shall not contract with the department to provide
1 6 services for a period of two years after the termination of
1 7 the employment.
1 8 2. The prohibition under subsection 1 is not applicable
1 9 under any of the following circumstances:
1 10 a. The person is a subcontractor or is an employee of
1 11 another state agency or of an institution under the control of
1 12 the state board of regents.
1 13 b. No one with expertise in a particular area is employed
1 14 by the department. The department may contract with a former
1 15 departmental employee for a limited period in order to secure
1 16 such expertise.
1 17 c. The department has demonstrated a good faith effort to
1 18 fill a position that is critical to the health and safety of
1 19 departmental clients from a pool of applicants that does not
1 20 include former departmental employees, but was unsuccessful in
1 21 identifying qualified candidates from the pool.
1 22 d. The person's employment with the department was
1 23 terminated due to a layoff or reduction in force.
1 24 e. The person terminated employment with the department
1 25 within twelve months of obtaining an advanced degree from an
1 26 accredited college or university and the degree qualified the
1 27 person to provide services that the person was not previously
1 28 qualified to provide and will provide under a contract with
1 29 the department.
1 30 3. The board, in consultation with the department of human
1 31 services, shall adopt rules pursuant to chapter 17A to
1 32 implement this section.
1 33 Sec. 2. NEW SECTION. 73.3A CONTRACT SERVICES ==
1 34 REQUIREMENTS.
1 35 A person who contracts with a department, as defined in



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House File 2490 - Introduced continued

2 1 section 8.2, or with a state authority to provide
2 2 administrative, labor, or other services that would otherwise
2 3 be provided by state employees shall, as a condition of
2 4 receiving the contract, report all payments received under the
2 5 contract to the department of management. The department of
2 6 management shall annually prepare an analysis of the reports
2 7 and provide the analysis to the governor and the general
2 8 assembly.

2 9 Sec. 3. NEW SECTION. 217.14 CONTRACT REQUIREMENTS.

2 10 A person contracting with the department of human services
2 11 to provide services shall be subject to the following
2 12 requirements as applicable:

2 13 1. Comply with the requirements of section 68B.8.

2 14 2. Provide adequate liability insurance for the services
2 15 being performed.

2 16 3. Accede to evaluation requirements, with preference
2 17 given to an evaluation performed by an independent evaluator.

2 18 EXPLANATION

2 19 This bill relates to requirements for contracts for
2 20 services with departments of the state.

2 21 New Code section 68B.8 prohibits the department of human
2 22 services from contracting with someone who was employed with
2 23 the department within the past two years. The Code section
2 24 provides five exceptions: the person is a subcontractor or an
2 25 employee of another department or regents institution; the
2 26 person has expertise that the department would otherwise not
2 27 have access to; the department tried but was unable to hire a
2 28 qualified person from a field of applicants that did not
2 29 include former employees; the person's employment ended due to
2 30 a layoff or workforce reduction; or the person's employment
2 31 ended within a year of the person earning an advanced degree
2 32 that allows the person to now provide new services. The Iowa
2 33 ethics and campaign disclosure board and the department of
2 34 human services are to adopt rules to implement the new
2 35 provisions.



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House File 2490 - Introduced continued

3 1 Under new Code section 73.3A, any person who contracts with
3 2 a department or a state authority to provide services that
3 3 would otherwise be provided by state employees shall, as a
3 4 condition of receiving the contract, report all payments
3 5 received under the contract to the department of management.
3 6 The department of management shall annually prepare an
3 7 analysis of the reports and provide the analysis to the
3 8 governor and the general assembly.
3 9 The third part of the bill, new Code section 217.14,
3 10 relates to service contracts with the department of human
3 11 services. As applicable, a person contracting with the
3 12 department must comply with new Code section 68B.8, provide
3 13 liability insurance for the services being performed, and
3 14 accede to evaluation requirements.
3 15 LSB 6324HH 82
3 16 ak/nh/14



Iowa General Assembly
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March 04, 2008

House File 2491 - Introduced

HOUSE FILE
BY PAULSEN

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

A BILL FOR

1 An Act relating to funding for special education services for
2 children living in foster care or shelter care facilities or a
3 juvenile detention home.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 5754YH 82
6 kh/sc/8



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House File 2491 - Introduced continued

PAG LIN

1 1 Section 1. Section 282.30, subsection 2, Code 2007, is
1 2 amended to read as follows:

1 3 2. The area education agency where the child is living,
1 4 the school district of residence, the school district where
1 5 the child is living, the other appropriate area education
1 6 agency or agencies, and other appropriate agencies involved
1 7 with the care or placement of the child shall cooperate ~~with~~
~~1 8 the school district where the child is living~~ in sharing
1 9 educational information, textbooks, curriculum, assignments,
1 10 and materials in order to plan and to provide for the
1 11 appropriate education of the child living in such facility
1 12 specified in subsection 1.

1 13 Sec. 2. Section 282.31, subsection 2, paragraph a, Code
1 14 Supplement 2007, is amended to read as follows:

1 15 a. The actual special education instructional costs
1 16 incurred for a child who lives in a facility pursuant to
1 17 section 282.19 or for a child who is placed in a facility or
1 18 home pursuant to section 282.29, who requires special
1 19 education and who is not enrolled in the educational program
1 20 of the district of residence of the child but who receives an
1 21 educational program from the ~~district in which the facility or~~
~~1 22 home is located~~ facility or home in which the child is living,
1 23 shall be paid by the district of residence of the child to the
1 24 ~~district in which the facility or home is located~~ department
1 25 of human services, and the costs shall include the cost of
1 26 transportation.

1 27 Sec. 3. Section 282.31, subsections 3 and 5, Code
1 28 Supplement 2007, are amended to read as follows:

1 29 3. The actual special education instructional costs,
1 30 including transportation, for a child who requires special
1 31 education shall be paid by the department of administrative
1 32 services to the ~~school district in which the facility or home~~
~~1 33 is located~~ department of human services, only when a district
1 34 of residence cannot be determined, and the child was not
1 35 included in the weighted enrollment of any district pursuant



Iowa General Assembly
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House File 2491 - Introduced continued

2 1 to section 256B.9, and the payment pursuant to subsection 2,
2 2 paragraph "a", was not made by any district. The ~~district~~
2 3 department of human services, in consultation with the area
2 4 education agency, shall submit a proposed program and budget
2 5 to the department of education by January 1 for the next
2 6 succeeding school year. The department of education shall
2 7 review and approve or modify the program and proposed budget
2 8 and shall notify the ~~district~~ department of human services by
2 9 February 1. The ~~district~~ department of human services shall
2 10 submit a claim by August 1 following the school year for the
2 11 actual cost of the program. The department of education shall
2 12 review and approve or modify the claim and shall notify the
2 13 department of administrative services of the approved claim
2 14 amount by September 1. The total amount of the approved claim
2 15 shall be paid by the department of administrative services to
2 16 the ~~school district~~ department of human services by October 1.
2 17 The total amount paid by the department of administrative
2 18 services shall be deducted monthly from the state foundation
2 19 aid paid under section 257.16 to all school districts in the
2 20 state during the subsequent fiscal year. The portion of the
2 21 total amount of the approved claims that shall be deducted
2 22 from the state aid of a school district shall be the same as
2 23 the ratio that the budget enrollment for the budget year of
2 24 the school district bears to the total budget enrollment in
2 25 the state for the budget year in which the deduction is made.
2 26 The department of administrative services shall transfer the
2 27 total amount of the approved claims from moneys appropriated
2 28 under section 257.16 for payment to the ~~school district~~
2 29 department of human services.
2 30 5. Programs may be provided during the summer and funded
2 31 under this section if the school district or department of
2 32 human services, as appropriate, or area education agency
2 33 determines a valid educational reason to do so.

2 34 EXPLANATION

2 35 This bill directs the school district of residence of a



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House File 2491 - Introduced continued

3 1 child who is living in a foster care or shelter care facility
3 2 or a juvenile detention home to pay the department of human
3 3 services, rather than the school district in which the
3 4 facility or home where the child is living is located as is
3 5 currently required, the actual special education instructional
3 6 costs incurred for the child.

3 7 The department of human services, rather than the district
3 8 in which the facility or home is located, must, after
3 9 consultation with the area education agency, submit a proposed
3 10 program and budget to the department of education by January 1
3 11 for the next succeeding school year. The department of
3 12 education must review and approve or modify the program and
3 13 proposed budget and notify the department of human services by
3 14 February 1. The bill makes the department of human services
3 15 responsible for submitting a claim, which the department of
3 16 education also must review and approve or modify. Once
3 17 notified by the department of education of the amount of the
3 18 claim approved, the department of administrative services
3 19 makes payment to the department of human services.

3 20 The bill directs the area education agency where the child
3 21 is living, the school district of residence, the school
3 22 district where the child is living, the other appropriate area
3 23 education agency or agencies, and other appropriate agencies
3 24 involved with the care or placement of the child to cooperate
3 25 with the institution in which the child is living in sharing
3 26 educational information, textbooks, curriculum, assignments,
3 27 and materials in order to plan and to provide for the
3 28 appropriate education of the child living in such facility.
3 29 Currently, all of these entities except the institution are
3 30 required to cooperate with the school district in which the
3 31 facility or home is located.

3 32 The bill permits education programs to be provided during
3 33 the summer and funded if the school district or department of
3 34 human services, as appropriate, or area education agency
3 35 determines a valid educational reason to do so.



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House File 2491 - Introduced continued

4 1 LSB 5754YH 82
4 2 kh/sc/8



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

House File 2492 - Introduced

HOUSE FILE
BY PAULSEN

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

A BILL FOR

- 1 An Act related to tax credits for community-based seed capital
- 2 investments by increasing the aggregate amount of tax credits
- 3 available and making the credits transferable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 6165YH 82
- 6 tw/nh/24



Iowa General Assembly
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March 04, 2008

House File 2492 - Introduced continued

PAG LIN

1 1 Section 1. Section 15E.43, subsections 4 and 5, Code
1 2 Supplement 2007, are amended to read as follows:

1 3 4. The aggregate amount of tax credits issued pursuant to
1 4 this division shall not exceed a total of ~~ten~~ fifteen million
1 5 dollars. The total amount of tax credits issued during the
1 6 fiscal year beginning July 1, 2002, shall not exceed three
1 7 million dollars. The total amount of tax credits issued
1 8 during the fiscal year beginning July 1, 2003, shall not
1 9 exceed three million dollars. The total amount of tax credits
1 10 issued during the fiscal year beginning July 1, 2004, shall
1 11 not exceed four million dollars. Any amount of the maximum
1 12 aggregate limit of tax credits that have not been issued by
1 13 June 30, 2005, may be issued in any subsequent fiscal year.
1 14 Not more than three million dollars of tax credits may be
1 15 issued in any one subsequent fiscal year.

1 16 5. A tax credit shall not be redeemed during any tax year
1 17 beginning prior to January 1, 2005. ~~A tax credit shall not be~~
~~1 18 transferable to any other taxpayer.~~

1 19 Sec. 2. Section 15E.43, Code Supplement 2007, is amended
1 20 by adding the following new subsection:

1 21 NEW SUBSECTION. 5A. a. After verifying the eligibility
1 22 of a qualifying business pursuant to section 15E.44 for a tax
1 23 credit pursuant to this section, the department of economic
1 24 development shall issue a seed capital investment tax credit
1 25 certificate to be attached to an equity investor's tax return.
1 26 The tax credit certificate shall contain the taxpayer's name,
1 27 address, tax identification number, the amount of credit, the
1 28 name of the qualifying business, any other information
1 29 required by the department of revenue, and a place for the
1 30 name and tax identification number of a transferee and the
1 31 amount of the tax credit being transferred.

1 32 b. The tax credit certificate, unless rescinded by the
1 33 board, shall be accepted by the department of revenue as
1 34 payment for taxes imposed pursuant to chapter 422, divisions
1 35 II, III, and V, and in chapter 432, and for the moneys and



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House File 2492 - Introduced continued

2 1 credits tax imposed in section 533.329, subject to any
2 2 conditions or restrictions placed by the board upon the face
2 3 of the tax credit certificate and subject to the limitations
2 4 of this section.
2 5 c. Tax credit certificates issued under this section may
2 6 be transferred to any person or entity. Within ninety days of
2 7 transfer, the transferee shall submit the transferred tax
2 8 credit certificate to the department of revenue along with a
2 9 statement containing the transferee's name, tax identification
2 10 number, and address, and the denomination that each
2 11 replacement tax credit certificate is to carry and any other
2 12 information required by the department of revenue.
2 13 d. Within thirty days of receiving the transferred tax
2 14 credit certificate and the transferee's statement, the
2 15 department of revenue shall issue one or more replacement tax
2 16 credit certificates to the transferee. Each replacement tax
2 17 credit certificate must contain the information required for
2 18 the original tax credit certificate and must have the same
2 19 expiration date that appeared in the transferred tax credit
2 20 certificate. Tax credit certificate amounts of less than the
2 21 minimum amount established by rule of the department of
2 22 economic development shall not be transferable.
2 23 e. A tax credit shall not be claimed by a transferee under
2 24 this section until a replacement tax credit certificate
2 25 identifying the transferee as the proper holder has been
2 26 issued. The transferee may use the amount of the tax credit
2 27 transferred against the taxes imposed in chapter 422,
2 28 divisions II, III, and V, and in chapter 432, and against the
2 29 moneys and credits tax imposed in section 533.329, for any tax
2 30 year the original transferor could have claimed the tax
2 31 credit. Any consideration received for the transfer of the
2 32 tax credit shall not be included as income under chapter 422,
2 33 divisions II, III, and V, under chapter 432, or against the
2 34 moneys and credits tax imposed in section 533.329. Any
2 35 consideration paid for the transfer of the tax credit shall



Iowa General Assembly
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House File 2492 - Introduced continued

3 1 not be deducted from income under chapter 422, divisions II,
3 2 III, and V, under chapter 432, or against the moneys and
3 3 credits tax imposed in section 533.329.

3 4 Sec. 3. Section 15E.44, subsection 4, Code Supplement
3 5 2007, is amended by striking the subsection.

3 6 EXPLANATION

3 7 This bill relates to investment tax credits for
3 8 community-based seed capital funds.

3 9 The bill increases the total aggregate amount of tax
3 10 credits allowed from \$10 million to \$15 million.

3 11 The bill also makes the investment tax credits transferable
3 12 from one taxpayer to another.

3 13 LSB 6165YH 82

3 14 tw/nh/24



Iowa General Assembly
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March 04, 2008

House File 2493 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 630)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to mental health and disability services
- 2 provisions involving the membership of the mental health,
- 3 mental retardation, developmental disabilities, and brain
- 4 injury commission and providing for implementation of an
- 5 emergency mental health crisis services system.
- 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 7 TLSB 5362HV 82
- 8 jp/rj/24



Iowa General Assembly
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March 04, 2008

House File 2493 - Introduced continued

PAG LIN

1 1 Section 1. Section 225C.5, subsection 1, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. ii. One member shall be an active board
1 4 member of an agency serving persons with a substance abuse
1 5 problem selected from nominees submitted by the Iowa
1 6 behavioral health association.
1 7 Sec. 2. NEW SECTION. 225C.19 EMERGENCY MENTAL HEALTH
1 8 CRISIS SERVICES SYSTEM.
1 9 1. For the purposes of this section:
1 10 a. "Emergency mental health crisis services provider"
1 11 means a provider accredited or approved by the department to
1 12 provide emergency mental health crisis services.
1 13 b. "Emergency mental health crisis services system" or
1 14 "services system" means a coordinated array of crisis services
1 15 for providing a response to assist an individual adult or
1 16 child who is experiencing a mental health crisis or who is in
1 17 a situation that is reasonably likely to cause the individual
1 18 to have a mental health crisis unless assistance is provided.
1 19 2. a. The division shall implement an emergency mental
1 20 health crisis services system in accordance with this section.
1 21 b. The purpose of the services system is to provide a
1 22 statewide array of time-limited intervention services to
1 23 reduce escalation of crisis situations, relieve the immediate
1 24 distress of individuals experiencing a crisis situation,
1 25 reduce the risk of individuals in a crisis situation doing
1 26 harm to themselves or others, and promote timely access to
1 27 appropriate services for those who require ongoing mental
1 28 health services.
1 29 c. The services system shall be available twenty-four
1 30 hours per day, seven days per week to any individual who is
1 31 determined by self or others to be in a crisis situation,
1 32 regardless of whether the individual has been diagnosed with a
1 33 mental illness or a co-occurring mental illness and substance
1 34 abuse disorder, and shall address all ages, income levels, and
1 35 health coverage statuses.



Iowa General Assembly
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House File 2493 - Introduced continued

2 1 d. The goals of an intervention offered by a provider
2 2 under the services system shall include but are not limited to
2 3 symptom reduction, stabilization of the individual receiving
2 4 the intervention, and restoration of the individual to a
2 5 previous level of functioning.

2 6 e. The elements of the services system shall be specified
2 7 in administrative rules adopted by the commission.

2 8 3. The services system elements shall include but are not
2 9 limited to all of the following:

2 10 a. Standards for accrediting or approving emergency mental
2 11 health crisis services providers. Such providers may include
2 12 but are not limited to a community mental health center, a
2 13 provider approved in a waiver adopted by the commission to
2 14 provide services to a county in lieu of a community mental
2 15 health center, a unit of the department or other state agency,
2 16 a county, or any other public or private provider who meets
2 17 the accreditation or approval standards for an emergency
2 18 mental health crisis services provider.

2 19 b. Identification by the division of geographic regions,
2 20 service areas, or other means of distributing and organizing
2 21 the emergency mental health crisis services system to ensure
2 22 statewide availability of the services.

2 23 c. Coordination of emergency mental health crisis services
2 24 with all of the following:

2 25 (1) The district and juvenile courts.
2 26 (2) Law enforcement.
2 27 (3) Judicial district departments of correctional
2 28 services.
2 29 (4) County central point of coordination processes.
2 30 (5) Other mental health, substance abuse, and co-occurring
2 31 mental illness and substance abuse services available through
2 32 the state and counties to serve both children and adults.

2 33 d. Identification of basic services to be provided through
2 34 each accredited or approved emergency mental health crisis
2 35 services provider which may include but are not limited to



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House File 2493 - Introduced continued

3 1 face-to-face crisis intervention, stabilization, support,
3 2 counseling, preadmission screening for individuals who may
3 3 require psychiatric hospitalization, transportation, and
3 4 follow-up services.
3 5 e. Identification of operational requirements for
3 6 emergency mental health crisis services provider accreditation
3 7 or approval which may include providing a telephone hotline,
3 8 mobile crisis staff, collaboration protocols, follow-up with
3 9 community services, information systems, and competency-based
3 10 training.

3 11 4. The division shall initially implement the program
3 12 through a competitive block grant process. The implementation
3 13 shall be limited to the extent of the appropriations provided
3 14 for the program.

3 15 EXPLANATION

3 16 This bill relates to mental health and disability services
3 17 provisions involving the membership of the mental health,
3 18 mental retardation, developmental disabilities, and brain
3 19 injury commission membership and provides for implementation
3 20 of new mental health services provisions.

3 21 Code section 225C.5 is amended to provide for
3 22 representation on the commission for agencies serving persons
3 23 with a substance abuse problem.

3 24 New Code section 225C.19 provides for establishment of an
3 25 emergency mental health crisis services system through the
3 26 division of mental health and disability services of the
3 27 department of human services. The purpose of the system is to
3 28 provide a statewide array of time-limited services to reduce
3 29 escalation of mental health crisis situations, relieve the
3 30 immediate distress of individuals experiencing a crisis
3 31 situation, reduce the risk of individuals in a crisis
3 32 situation doing harm to themselves or others, and promote
3 33 timely access to appropriate services for those who require
3 34 ongoing mental health services.

3 35 The system's general requirements are outlined in new Code



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House File 2493 - Introduced continued

- 4 1 section 225C.19, including definitions, purpose, statewide
- 4 2 availability, goals, required elements, and initial
- 4 3 implementation through competitive block grants.
- 4 4 LSB 5362HV 82
- 4 5 jp/rj/24



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House File 2494 - Introduced

HOUSE FILE

BY SANDS, LUKAN, SODERBERG,
WINDSCHITL, ALONS, L. MILLER,
FORRISTALL, ARNOLD, RASMUSSEN,
HEATON, VAN ENGELENHOVEN, DEYOE,
S. OLSON, GRANZOW, HOFFMAN,
CHAMBERS, DRAKE, and UPMEYER

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act requiring the department of revenue to provide notice of
- 2 suspected misuse of personal information.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TL5B 6282YH 82
- 5 md/nh/5



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House File 2494 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 422.72A SUSPECTED MISUSE OF
1 2 PERSONAL INFORMATION == NOTICE REQUIRED.
1 3 1. For the purposes of this section, the following
1 4 definitions apply:
1 5 a. "Affected individual" means an individual who is
1 6 identified by or connected with personal information contained
1 7 in the department's records.
1 8 b. "Personal information" means all of the following:
1 9 (1) Social security number.
1 10 (2) Tax identification number.
1 11 (3) Driver's license number or other unique identification
1 12 number created or collected by a government body.
1 13 (4) Financial account number, credit card number, or debit
1 14 card number in combination with any required security code,
1 15 access code, or password that would permit access to an
1 16 individual's financial account.
1 17 (5) Unique electronic identifier or routing code, in
1 18 combination with any required security code, access code, or
1 19 password.
1 20 c. "Suspected misuse of personal information" means
1 21 circumstances exist which would cause a reasonable person to
1 22 believe that an individual's personal information is being
1 23 used by an unauthorized individual. Such circumstances
1 24 include but are not limited to either of the following:
1 25 (1) A tax identification number under which wages are
1 26 being reported by two or more individuals.
1 27 (2) A tax identification number of an individual under the
1 28 age of sixteen with reported wages exceeding one thousand
1 29 dollars for a single quarterly period.
1 30 2. a. Unless otherwise prohibited by state or federal
1 31 law, the department shall provide notice to each affected
1 32 individual if department records indicate a suspected misuse
1 33 of personal information. Notice shall be made without
1 34 unreasonable delay. If the affected individual is a minor,
1 35 notice shall be provided to the minor's parent or guardian.



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House File 2495 - Introduced

HOUSE FILE
BY FORD, ZIRKELBACH,
and BAILEY

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

A BILL FOR

- 1 An Act relating to the small business linked investments program
- 2 by changing the allocation of available moneys from program
- 3 investments and raising the limit on qualifying net worth.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TL5B 6361YH 82
- 6 tw/nh/8



Iowa General Assembly
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House File 2495 - Introduced continued

PAG LIN

1 1 Section 1. Section 12.34, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. The treasurer of state may invest up to the lesser of
1 4 one hundred eight million dollars or twenty=five percent of
1 5 the balance of the state pooled money fund in certificates of
1 6 deposit in eligible lending institutions as provided in
1 7 section 12.32, this section, and sections 12.35 through 12.43.

1 8 ~~One-half~~

1 9 a. Forty percent of the moneys invested pursuant to this
1 10 section shall be made available under the program implemented
1 11 pursuant to section 12.43 to increase the availability of
1 12 lower cost moneys for purposes of injecting needed capital
1 13 into small businesses which are fifty=one percent or more
1 14 owned, operated, and actively managed by one or more women,
1 15 minority persons, or persons with disabilities. "Disability"
1 16 means the same as defined in section 15.102, subsection 5. A
1 17 "minority person" means the same as defined in section 15.102,
1 18 subsection 5.

1 19 b. Ten percent of the moneys invested pursuant to this
1 20 section shall be made available under the program implemented
1 21 pursuant to section 12.43 to increase the availability of
1 22 lower cost moneys for purposes of injecting needed capital
1 23 into small businesses which are fifty=one percent or more
1 24 owned, operated, and actively managed by one or more veterans.
1 25 For purposes of this paragraph, "veteran" means the same as
1 26 defined in section 35A.14, subsection 1.

1 27 c. The treasurer shall invest the remaining ~~one-half~~ fifty
1 28 percent of the moneys invested pursuant to this section to
1 29 support any other eligible applicant as provided in section
1 30 12.43.

1 31 Sec. 2. Section 12.43, subsection 5, unnumbered paragraph
1 32 1, Code 2007, is amended to read as follows:

1 33 In order to qualify under this program, all owners of the
1 34 business or borrowers must not have a combined net worth
1 35 exceeding ~~seven hundred fifty thousand~~ one million dollars as



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House File 2495 - Introduced continued

2 1 defined in rules adopted by the treasurer of state pursuant to
2 2 chapter 17A and the small business must meet all of the
2 3 following criteria:

2 4 EXPLANATION

2 5 This bill relates to the small business linked investments
2 6 program.

2 7 The bill changes the allocation of available moneys
2 8 invested in the program. Currently, half of the moneys are
2 9 available to business owners who are women, minority persons,
2 10 or persons with disabilities. The bill changes the allocation
2 11 of moneys available to women, minority persons, or persons
2 12 with disabilities to 40 percent and allocates 10 percent to
2 13 veterans.

2 14 The bill also changes the net worth requirement for the
2 15 program. Currently, in order to qualify for assistance, the
2 16 combined net worth of all owners of a business or borrowers
2 17 under the program cannot exceed \$750,000. The bill raises the
2 18 limit on combined net worth to \$1 million.

2 19 LSB 6361YH 82

2 20 tw/nh/8.1



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House File 2496 - Introduced

HOUSE FILE
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 2363)

(COMPANION TO SF 2213
BY BLACK)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for the stockpiling of dry manure from a
- 2 confinement feeding operation and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLBSB 6099HV 82
- 5 da/nh/8



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House File 2496 - Introduced continued

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1 1 Section 1. Section 459.102, Code 2007, is amended by
1 2 adding the following new subsections:
1 3 NEW SUBSECTION. 20A. "Designated area" means a known
1 4 sinkhole, a cistern, an abandoned well, an unplugged
1 5 agricultural drainage well, an agricultural drainage well
1 6 surface inlet, a drinking water well, a designated wetland, or
1 7 a water source. However, "designated area" does not include a
1 8 terrace tile inlet or a surface tile inlet other than an
1 9 agricultural drainage well surface tile inlet.
1 10 NEW SUBSECTION. 23A. "Dry manure" means manure which
1 11 meets all of the following conditions:
1 12 a. The manure does not flow perceptibly under pressure.
1 13 b. The manure is not capable of being transported through
1 14 a mechanical pumping device designed to move a liquid.
1 15 c. The constituent molecules of the manure do not flow
1 16 freely among themselves but may show a tendency to separate
1 17 under stress.
1 18 NEW SUBSECTION. 45A. "Stockpile" means to store dry
1 19 manure from a confinement feeding operation outside of a
1 20 confinement feeding operation structure.
1 21 Sec. 2. Section 459.206, subsection 2, paragraph b, Code
1 22 2007, is amended to read as follows:
1 23 b. A qualified confinement feeding operation that stores
1 24 dry manure on a dry matter basis.
1 25 Sec. 3. Section 459.307, subsection 1, paragraph b, Code
1 26 2007, is amended to read as follows:
1 27 b. Whether the manure storage structure stores only dry
1 28 manure in an exclusively dry form.
1 29 Sec. 4. NEW SECTION. 459.311A DRY MANURE STOCKPILING.
1 30 A person may stockpile dry manure, subject to all of the
1 31 following restrictions:
1 32 1. a. The person shall not stockpile dry manure within
1 33 the following distances unless the dry manure is maintained in
1 34 a manner that will not allow precipitation-induced runoff to
1 35 drain from the dry manure to the designated area:



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House File 2496 - Introduced continued

2 1 (1) Four hundred feet from a designated area other than a
2 2 high-quality water resource.
2 3 (2) Eight hundred feet from a high-quality water resource.
2 4 b. The person shall not stockpile dry manure within two
2 5 hundred feet from a terrace tile inlet or surface tile inlet
2 6 unless the dry manure is maintained in a manner that will not
2 7 allow precipitation-induced runoff to drain from the dry
2 8 manure to the terrace tile inlet or surface tile inlet. A
2 9 terrace tile inlet or surface tile inlet does not include a
2 10 tile inlet that is not directly connected to a tile line that
2 11 discharges directly into a water of the state.
2 12 c. The person shall not stockpile dry manure in a grassed
2 13 waterway.
2 14 d. The person shall not stockpile dry manure on land
2 15 having a slope of more than three percent unless methods,
2 16 structures, or practices are implemented to contain the
2 17 stockpiled dry manure, including but not limited to using silt
2 18 fences, temporary earthen berms, or other effective measures,
2 19 and to prevent or diminish precipitation-induced runoff from
2 20 the stockpiled dry manure.
2 21 2. The person must remove the stockpiled manure and apply
2 22 it in accordance with the provisions of this chapter,
2 23 including but not limited to section 459.311, within six
2 24 months after the manure is stockpiled.
2 25 Sec. 5. Section 459.314, unnumbered paragraph 1, Code
2 26 2007, is amended by striking the paragraph.

2 27 EXPLANATION

2 28 BACKGROUND. This bill amends Code chapter 459, the "Animal
2 29 Agriculture Compliance Act", regulated by the department of
2 30 natural resources. The bill provides for storing dry manure
2 31 from a confinement feeding operation outside a confinement
2 32 feeding operation structure (i.e., a confinement building or
2 33 manure storage structure), a practice referred to as
2 34 "stockpiling". Code chapter 459 does not specifically address
2 35 stockpiling. For stockpiling manure solids from an open



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3 1 feedlot, see Code section 459A.403.
3 2 BILL'S PROVISIONS. The bill defines dry manure as manure
3 3 which does not flow perceptibly under pressure, is not capable
3 4 of being transported through a mechanical pumping device
3 5 designed to move a liquid, and its constituent molecules do
3 6 not flow freely among themselves but may show a tendency to
3 7 separate under stress. The bill specifically allows for
3 8 stockpiling dry manure, subject to certain limitations.
3 9 A person is prohibited from stockpiling dry manure within
3 10 certain distances from certain areas involving surface water
3 11 or groundwater, including the following:
3 12 1. A designated area. The definition of designated area
3 13 is taken from current law (Code section 459.314) and includes
3 14 a known sinkhole, a cistern, an abandoned well, an unplugged
3 15 agricultural drainage well, an agricultural drainage well
3 16 surface inlet, a drinking water well, a designated wetland, or
3 17 a water source. It does not include a terrace tile inlet.
3 18 The bill provides that a designated area also does not include
3 19 a surface tile inlet, other than an agricultural drainage well
3 20 surface tile inlet, which is consistent with Code chapter 459A
3 21 governing open feedlot operations.
3 22 2. A high-quality water resource as provided by rules
3 23 adopted by the department.
3 24 3. A terrace tile inlet or surface tile inlet unless the
3 25 dry manure is maintained in a manner that will not allow
3 26 precipitation-induced runoff to drain from the dry manure to
3 27 the terrace tile inlet or surface tile inlet.
3 28 In addition, a person cannot stockpile dry manure in a
3 29 grassed waterway or on a slope of more than 3 percent unless
3 30 means are provided to contain the stockpiled dry manure.
3 31 A person must remove the stockpiled manure and apply it in
3 32 accordance with the provisions of Code chapter 459, including
3 33 but not limited to Code section 459.311, within six months
3 34 after the manure is stockpiled.
3 35 PENALTIES APPLICABLE. A person who violates a provision of



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4 1 the bill is subject to a civil penalty assessed by the
4 2 department under Code section 455B.109 or by the attorney
4 3 general pursuant to Code section 455B.191 (\$5,000 per
4 4 violation with each day an offense continues considered a
4 5 separate offense). The civil penalties are deposited in the
4 6 animal agriculture compliance fund created in Code section
4 7 459.401.
4 8 LSB 6099HV 82
4 9 da/nh/8



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House File 2497 - Introduced

HOUSE FILE
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO HSB 536)

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

A BILL FOR

- 1 An Act providing for the establishment of a council on
- 2 homelessness.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5333HV 82
- 5 md/rj/14



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1 1 Section 1. NEW SECTION. 16.100A COUNCIL ON HOMELESSNESS.

1 2 1. A council on homelessness is established consisting of
1 3 thirty=eight voting members. At least one voting member at
1 4 all times shall have been less than thirty years of age at the
1 5 time of initial appointment. At least one voting member at
1 6 all times shall be a member of a minority group.

1 7 2. Members of the council shall consist of all of the
1 8 following:

1 9 a. Twenty=six members of the general public appointed to
1 10 two=year staggered terms by the governor in consultation with
1 11 the nominating committee under subsection 4, paragraph "a".

1 12 (1) Voting members from the general public may include,
1 13 but are not limited to the following types of individuals and
1 14 representatives of the following programs: homeless or
1 15 formerly homeless individuals and their family members, youth
1 16 shelters, faith=based organizations, local homeless service
1 17 providers, emergency shelters, transitional housing providers,
1 18 family and domestic violence shelters, private business, local
1 19 government, and community=based organizations.

1 20 (2) Five of the twenty=six voting members selected from
1 21 the general public shall be individuals who are homeless,
1 22 formerly homeless, or family members of homeless or formerly
1 23 homeless individuals.

1 24 (3) One of the twenty=six members selected from the
1 25 general public shall be a representative of the Iowa state
1 26 association of counties.

1 27 (4) One of the twenty=six members selected from the
1 28 general public shall be a representative of the Iowa league of
1 29 cities.

1 30 b. Twelve agency director members consisting of all of the
1 31 following:

1 32 (1) The director of the department of education or the
1 33 director's designee.

1 34 (2) The director of the department of economic development
1 35 or the director's designee.



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2 1 (3) The director of human services or the director's
2 2 designee.
2 3 (4) The attorney general or the attorney general's
2 4 designee.
2 5 (5) The director of the department of human rights or the
2 6 director's designee.
2 7 (6) The director of public health or the director's
2 8 designee.
2 9 (7) The director of the department of elder affairs or the
2 10 director's designee.
2 11 (8) The director of the department of corrections or the
2 12 director's designee.
2 13 (9) The director of the department of workforce
2 14 development or the director's designee.
2 15 (10) The director of the department of public safety or
2 16 the director's designee.
2 17 (11) The director of the department of veterans affairs or
2 18 the director's designee.
2 19 (12) The executive director of the Iowa finance authority
2 20 or the executive director's designee.
2 21 3. An agency director's designee may vote on council
2 22 matters in the absence of the director.
2 23 4. a. A nominating committee initially comprised of all
2 24 twelve agency director members shall nominate persons to the
2 25 governor to fill the general public member positions.
2 26 Following appointment of all twenty=six general public
2 27 members, the composition of the nominating committee may be
2 28 modified by rule.
2 29 b. The council may establish other committees and
2 30 subcommittees comprised of members of the council.
2 31 5. A vacancy on the council shall be filled in the same
2 32 manner as the original appointment. A member appointed to
2 33 fill a vacancy created other than by expiration of a term
2 34 shall be appointed for the remainder of the unexpired term.
2 35 6. a. A majority of the members of the council



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3 1 constitutes a quorum. Any action taken by the council must be
3 2 adopted by the affirmative vote of a majority of its
3 3 membership.

3 4 b. The council shall elect a chairperson and vice
3 5 chairperson from the membership of the council. The
3 6 chairperson and vice chairperson shall serve two-year terms.
3 7 The chairperson and vice chairperson shall not both be either
3 8 general public members or agency directors. The chairperson
3 9 shall rotate between agency director members and general
3 10 public members.

3 11 c. The council shall meet at least six times per year.
3 12 Meetings of the council may be called by the chairperson or by
3 13 a majority of the members.

3 14 d. General public members shall be reimbursed for actual
3 15 and necessary expenses incurred while engaged in their
3 16 official duties. Expense payments shall be made from
3 17 appropriations made for purposes of this section.

3 18 7. The Iowa finance authority shall provide staff
3 19 assistance and administrative support to the council.

3 20 8. The duties of the council shall include but are not
3 21 limited to the following:

3 22 a. Develop a process for evaluating state policies,
3 23 programs, statutes, and rules to determine whether any state
3 24 policies, programs, statutes, or rules should be revised to
3 25 help prevent and alleviate homelessness.

3 26 b. Evaluate whether state agency resources could be more
3 27 efficiently coordinated with other state agencies to prevent
3 28 and alleviate homelessness.

3 29 c. Work to develop a coordinated and seamless service
3 30 delivery system to prevent and alleviate homelessness.

3 31 d. Use existing resources to identify and prioritize
3 32 efforts to prevent persons from becoming homeless and to
3 33 eliminate factors that keep people homeless.

3 34 e. Identify and use federal and other funding
3 35 opportunities to address and reduce homelessness within the



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4 1 state.

4 2 f. Work to identify causes and effects of homelessness and
4 3 increase awareness among policymakers and the general public.

4 4 g. Advise the governor's office, the Iowa finance
4 5 authority, state agencies, and private organizations on
4 6 strategies to prevent and eliminate homelessness.

4 7 9. The council shall conduct a study of issues relating to
4 8 the following:

4 9 a. Low-income seniors and low-income persons with any form
4 10 of disability, including but not limited to physical
4 11 disability, developmental disability, mental illness,
4 12 co-occurring mental illness and substance abuse disorders, or
4 13 AIDS and AIDS-related conditions. For purposes of this
4 14 section, "AIDS" and "AIDS-related conditions" mean the same as
4 15 defined in section 141A.1.

4 16 b. Low-income and moderate-income persons unable to afford
4 17 transportation or housing near work, and adequate affordable
4 18 housing able to support economic growth and development of a
4 19 community, including new construction, community
4 20 redevelopment, and urban renewal.

4 21 c. Low-income persons residing in existing affordable
4 22 housing that is in danger of becoming unaffordable or lost,
4 23 and persons determined to be or at risk of becoming homeless.

4 24 d. Affordable rental housing, access to available
4 25 financing for housing, first-time home buyers, and
4 26 relationships between landlords and tenants.

4 27 10. a. The council shall make annual recommendations to
4 28 the governor regarding matters which impact homelessness on or
4 29 before September 15.

4 30 b. The council shall prepare and file with the governor
4 31 and the general assembly on or before the first day of
4 32 December in each odd-numbered year, a report on homelessness
4 33 in Iowa.

4 34 c. The council shall assist in the completion of the
4 35 state's continuum of care application to the United States



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5 1 department of housing and urban development.
5 2 11. a. The Iowa finance authority, in consultation with
5 3 the council, shall adopt rules pursuant to chapter 17A for
5 4 carrying out the duties of the council pursuant to this
5 5 section.
5 6 b. The council shall establish internal rules of procedure
5 7 consistent with the provisions of this section.
5 8 c. Rules adopted or internal rules of procedure
5 9 established pursuant to paragraph "a" or "b" shall be
5 10 consistent with the requirements of the federal McKinney-Vento
5 11 Homeless Assistance Act, 42 U.S.C. } 11301, et seq.
5 12 12. The council shall comply with the requirements of
5 13 chapters 21 and 22. The Iowa finance authority shall be the
5 14 official repository of council records.

5 15 EXPLANATION

5 16 This bill creates a council on homelessness consisting of
5 17 38 voting members. The bill provides that 26 members of the
5 18 council shall be members of the general public appointed by
5 19 the governor after consultation with the council's nominating
5 20 committee. The general public members shall serve two-year
5 21 terms staggered at the governor's discretion. The bill
5 22 specifies certain minority and demographic groups that must be
5 23 represented in the council membership.
5 24 The other 12 members of the council shall consist of
5 25 specified state agency directors or each director's designee.
5 26 The bill allows designees to vote on council matters.
5 27 The bill requires a vacancy on the council to be filled in
5 28 the same manner as the original appointment. The council
5 29 shall elect a chairperson and vice chairperson from the
5 30 membership of the council to serve two-year terms. The bill
5 31 provides, however, that the chairperson and vice chairperson
5 32 shall not both be either general public members or agency
5 33 directors. The bill requires the chairperson to rotate
5 34 between general public members and agency director members.
5 35 The bill provides that meetings of the council may be



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6 1 called by the chairperson or by a majority of the members.
6 2 The bill requires the council to meet at least six times per
6 3 year. The bill provides that council members shall be
6 4 reimbursed for actual and necessary expenses incurred while
6 5 engaged in their official duties.
6 6 The bill describes the duties of the council and specifies
6 7 certain issues to be studied by the council. In addition to a
6 8 list of duties described in the bill, the council is also
6 9 required to make annual recommendations to the governor
6 10 regarding matters which impact homelessness, prepare and file
6 11 with the governor and the general assembly in each
6 12 odd-numbered year, a report on homelessness in Iowa, and
6 13 assist in the completion of the state's continuum of care
6 14 application to the United States department of housing and
6 15 urban development.
6 16 The bill provides that the Iowa finance authority shall
6 17 provide staff assistance and administrative support to the
6 18 council. The bill requires the Iowa finance authority to
6 19 adopt rules under Code chapter 17A in consultation with the
6 20 council. The bill requires the council to adopt internal
6 21 rules of procedure and to comply with the open meeting and
6 22 records requirements of Code chapters 21 and 22. The bill
6 23 requires rules adopted by the Iowa finance authority or
6 24 internal rules of procedure established by the council to
6 25 comply with the federal McKinney-Vento Homeless Assistance
6 26 Act.
6 27 LSB 5333HV 82
6 28 md/rj/14



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House File 2498 - Introduced

HOUSE FILE
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 651)

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

A BILL FOR

- 1 An Act relating to the disposal of solid waste by changing
- 2 permitting requirements and updating and clarifying existing
- 3 provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5409HV 82
- 6 tw/nh/8



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House File 2498 - Introduced continued

PAG LIN

1 1 Section 1. Section 455B.301, Code 2007, is amended to read
1 2 as follows:

1 3 455B.301 DEFINITIONS.

1 4 As used in this part 1 of division IV, unless the context
1 5 clearly indicates a contrary intent:

1 6 1. "Actual cost" means the operational, remedial and
1 7 emergency action, closure, postclosure, and monitoring costs
1 8 of a sanitary disposal project for the lifetime of the
1 9 project.

1 10 2. "Beneficial use" means a specific utilization of a
1 11 solid by-product as a resource that constitutes reuse rather
1 12 than disposal, does not adversely affect human health or the
1 13 environment, and is approved by the department.

1 14 ~~2.~~ 3. "Beverage" means wine as defined in section 123.3,
1 15 subsection 37, alcoholic liquor as defined in section 123.3,
1 16 subsection 5, beer as defined in section 123.3, subsection 7,
1 17 wine cooler or drink, tea, potable water, soda water and
1 18 similar carbonated soft drinks, mineral water, fruit juice,
1 19 vegetable juice, or fruit or vegetable drinks, which are
1 20 intended for human consumption.

1 21 ~~3.~~ 4. "Beverage container" means a sealed glass, plastic,
1 22 or metal bottle, can, jar, or carton containing a beverage.

1 23 ~~4.~~ 5. "Biodegradable" means degradable through a process
1 24 by which fungi or bacteria secrete enzymes to convert a
1 25 complex molecular structure to simple gasses and organic
1 26 compounds.

1 27 ~~5.~~ 6. "Closure" means actions that will prevent, mitigate,
1 28 or minimize the threat to public health and the environment
1 29 posed by a closed sanitary landfill, including but not limited
1 30 to application of final cover, grading and seeding of final
1 31 cover, installation of an adequate monitoring system, and
1 32 construction of ground and surface water diversion structures,
1 33 if necessary.

1 34 ~~6.~~ 7. "Closure plan" means the plan which specifies the
1 35 methods and schedule by which an operator will complete or



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2 1 cease disposal operations of a sanitary disposal project,
2 2 prepare the area for long-term care, and make the area
2 3 suitable for other uses.

2 4 ~~7.~~ 8. "Degradable" means capable of decomposing by
2 5 biodegradation, photodegradation, or chemical process into
2 6 harmless component parts after exposure to natural elements
2 7 for not more than three hundred sixty-five days.

2 8 ~~8.~~ 9. "Financial assurance instrument" means an instrument
2 9 submitted by an applicant to ensure the operator's financial
2 10 capability to provide reasonable and necessary ~~response during~~
~~2 11 the lifetime of the project and for the thirty years following~~
~~2 12 closure, and to provide for the closure of the facility and~~
~~2 13 postclosure care required by rules adopted by the commission~~
~~2 14 in the event that the operator fails to correctly perform~~
~~2 15 closure and postclosure care requirements remedial responses.~~

2 16 a. The instrument shall be sufficient to ensure adequate
2 17 response pursuant to section 455B.304, subsection 6.

2 18 b. The instrument shall be sufficient to ensure the proper
2 19 closure and postclosure care of the project, and corrective
2 20 action, if necessary, in the event the operator fails to
2 21 correctly perform those requirements.

2 22 c. The ~~form~~ instrument may include the provide for one or
2 23 more of the following:

2 24 (1) The establishment of a secured trust fund.

2 25 (2) The use of a cash or surety bond, ~~or the~~.

2 26 (3) The obtaining of insurance.

2 27 (4) The satisfaction of a corporate financial test.

2 28 (5) The satisfaction of a local government financial test.

2 29 (6) The obtaining of a corporate guarantee.

2 30 (7) The obtaining of a local government guarantee.

2 31 (8) The use of a local government dedicated fund.

2 32 (9) The obtaining of an irrevocable letter of credit.

2 33 ~~8A.~~ 10. "Incinerator" means any enclosed device using
2 34 controlled flame combustion that does not meet the criteria
2 35 for classification as a boiler and is not listed as an



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3 1 industrial furnace. "Incinerator" does not include thermal
3 2 oxidizers used for the treatment of gas emissions.
3 3 ~~9.~~ 11. "Leachate" means fluid that has percolated through
3 4 solid waste and which contains contaminants consisting of
3 5 dissolved or suspended materials, chemicals, or microbial
3 6 waste products from the solid waste.
3 7 ~~10.~~ 12. "Lifetime of the project" means the projected
3 8 period of years that a landfill will receive waste, from the
3 9 time of opening until closure, based on the volume of waste to
3 10 be received projected at the time of submittal of the initial
3 11 project plan and the calculated refuse capacity of the
3 12 landfill based upon the design of the project.
3 13 ~~11.~~ 13. "Manufacturer" means a person who by labor, art,
3 14 or skill transforms raw material into a finished product or
3 15 article of trade.
3 16 ~~12.~~ 14. "Photodegradable" means degradable through a
3 17 process in which ultraviolet radiation in sunlight causes a
3 18 chemical change in a material.
3 19 ~~13.~~ 15. "Postclosure" and "postclosure care" mean the time
3 20 and actions taken for the care, maintenance, and monitoring of
3 21 a sanitary disposal project after closure that will prevent,
3 22 mitigate, or minimize the threat to public health, safety, and
3 23 welfare and the threat to the environment posed by the closed
3 24 facility.
3 25 ~~14.~~ 16. "Postclosure plan" means the plan which specifies
3 26 the methods and schedule by which the operator will perform
3 27 the necessary monitoring and care for the area after closure
3 28 of a sanitary disposal project.
3 29 ~~15.~~ 17. "Private agency" means a private agency as defined
3 30 in section 28E.2.
3 31 ~~16.~~ 18. "Public agency" means a public agency as defined
3 32 in section 28E.2.
3 33 ~~17.~~ 19. "Resource recovery system" means the recovery and
3 34 separation of ferrous metals and nonferrous metals and glass
3 35 and aluminum and the preparation and burning of solid waste as



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4 1 fuel for the production of electricity.

4 2 20. "Rubble" means dirt, stone, brick, or similar

4 3 inorganic materials used for beneficial fill, landscaping,

4 4 excavation, or grading at places other than a sanitary

4 5 disposal project. "Rubble" includes asphalt waste only as

4 6 long as it is not used in contact with water in a floodplain.

4 7 For purposes of this chapter, "rubble" does not mean gypsum or

4 8 gypsum wallboard, coal combustion residue, foundry sand, or

4 9 other industrial process wastes unless those wastes are

4 10 approved by the department.

4 11 ~~18.~~ 21. "Sanitary disposal project" means all facilities

4 12 and appurtenances including all real and personal property

4 13 connected with such facilities, which are acquired, purchased,

4 14 constructed, reconstructed, equipped, improved, extended,

4 15 maintained, or operated to facilitate the final disposition of

4 16 solid waste without creating a significant hazard to the

4 17 public health or safety, and which are approved by the

4 18 executive director.

4 19 ~~19.~~ 22. "Sanitary landfill" means a sanitary disposal

4 20 project where solid waste is buried between layers of earth.

4 21 ~~20.~~ 23. "Solid waste" means garbage, refuse, rubbish, and

4 22 other similar discarded solid or semisolid materials,

4 23 including but not limited to such materials resulting from

4 24 industrial, commercial, agricultural, and domestic activities.

4 25 Solid waste may include vehicles, as defined by section 321.1,

4 26 subsection 90. ~~However, this division does not prohibit the~~

~~4 27 use of dirt, stone, brick, or similar inorganic material for~~

~~4 28 fill, landscaping, excavation or grading at places other than~~

4 29 This definition does not prohibit the use of rubble at places

4 30 other than a sanitary disposal project. ~~Solid waste~~ "Solid

4 31 waste" does not include ~~hazardous waste as defined in section~~

~~4 32 455B.411 or source, any of the following:~~

4 33 a. Hazardous waste regulated under the federal Resource

4 34 Conservation and Recovery Act, 42 U.S.C. } 6921=6934.

4 35 b. Hazardous waste as defined in section 455B.411, except



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5 1 to the extent that rules allowing for the disposal of specific
5 2 wastes have been adopted by the commission.
5 3 c. Source, special nuclear, or by-product material as
5 4 defined in the Atomic Energy Act of 1954, as amended to
5 5 January 1, 1979, or petroleum.
5 6 d. Petroleum contaminated soil ~~which~~ that has been
5 7 remediated to acceptable state or federal standards.
5 8 Sec. 2. Section 455B.304, subsections 2, 11, and 17, Code
5 9 2007, are amended to read as follows:
5 10 2. The commission shall adopt rules that allow the use of
5 11 wet or dry sludge from publicly owned treatment works for land
5 12 application. A sale of wet or dry sludge for the purpose of
5 13 land application shall be accompanied by a written agreement
5 14 signed by both parties which contains a general analysis of
5 15 the contents of the sludge. The heavy metal content of the
5 16 sludge shall not exceed that allowed by rules of the
5 17 commission. An owner of a publicly owned treatment works
5 18 which sells wet or dry sludge is not subject to any action by
5 19 the purchaser to recover damages for harm to person or
5 20 property caused by sludge that is delivered pursuant to a sale
5 21 unless it is a result of a violation of the written agreement
5 22 or if the heavy metal content of the sludge exceeds that
5 23 allowed by rules of the commission. Nothing in this section
5 24 shall provide immunity to any person from action by the
5 25 department pursuant to section 455B.307. ~~The rules adopted~~
~~5 26 under this subsection shall be generally consistent with those~~
~~5 27 rules of the department existing on January 1, 1982, regarding~~
~~5 28 the land application of municipal sewage sludge except that~~
~~5 29 they may provide for different methods of application for wet~~
~~5 30 sludge and dry sludge.~~
5 31 11. ~~By July 1, 1990, a~~ A sanitary landfill disposal
5 32 project operating with a permit shall have a trained, tested,
5 33 and certified operator. ~~A certification program shall be~~
~~5 34 devised or approved by rule of the department~~ The department
5 35 shall adopt by rule a certification program.



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6 1 17. The commission shall adopt rules to establish a
6 2 special waste authorization program. For purposes of this
6 3 subsection, "special waste" means any industrial process
6 4 waste, pollution control waste, or toxic waste which presents
6 5 a threat to human health or the environment or a waste with
6 6 inherent properties which make the disposal of the waste in a
6 7 sanitary landfill difficult to manage. Special waste does not
6 8 include domestic, office, commercial, medical, or industrial
6 9 waste that does not require special handling or limitations on
6 10 its disposal. Special waste does not include hazardous wastes
6 11 which are regulated under the federal Resource Conservation
6 12 and Recovery Act, 42 U.S.C. } 6921=6934, ~~or hazardous wastes~~
~~6 13 as defined in section 455B.411, subsection 3 nor does it~~
6 14 include hazardous waste as defined in section 455B.411, except
6 15 to the extent that the commission has adopted rules allowing
6 16 the disposal of certain wastes.

6 17 Sec. 3. Section 455B.304, Code 2007, is amended by adding
6 18 the following new subsection:

6 19 NEW SUBSECTION. 19. The commission shall adopt rules for
6 20 determining when the utilization of a solid by-product,
6 21 including energy recovery, constitutes beneficial use rather
6 22 than the disposal of solid waste. Materials approved for
6 23 beneficial use at a sanitary landfill shall be exempt from the
6 24 tonnage fee imposed by section 455B.310 to the extent
6 25 authorized by rule or permit.

6 26 Sec. 4. Section 455B.305, Code 2007, is amended to read as
6 27 follows:

6 28 455B.305 ISSUANCE OR RENEWAL OF PERMITS BY DIRECTOR.

6 29 1. The director shall issue, revoke, suspend, modify, or
6 30 deny permits for the construction and operation of sanitary
6 31 disposal projects.

6 32 a. A permit shall be issued by the director or, at the
6 33 director's direction, by a local board of health, for each
6 34 sanitary disposal project operated in this state. The permit
6 35 shall be issued in the name of the city or county or, where



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7 1 applicable, in the name of the public or private agency
7 2 operating the project. Permits issued pursuant to this
7 3 section are in addition to any other licenses, permits, or
7 4 variances authorized or required by law, including but not
7 5 limited to chapter 335.
7 6 b. Each sanitary disposal project shall be inspected
7 7 annually periodically by the department or a local board of
7 8 health. ~~The permits issued pursuant to this section are in~~
~~7 9 addition to any other licenses, permits or variances~~
~~7 10 authorized or required by law, including, but not limited to,~~
~~7 11 chapter 335.~~
7 12 c. A permit may be suspended or revoked by the director if
7 13 a sanitary disposal project is found not to meet the
7 14 requirements of part 1 or the rules issued under adopted
7 15 pursuant to part 1. The suspension or revocation of a permit
7 16 may be appealed to the department.
7 17 ~~2. Beginning July 1, 1988, the director shall not issue a~~
~~7 18 permit for the construction or operation of a new sanitary~~
~~7 19 disposal project unless the permit applicant, in conjunction~~
~~7 20 with all local governments using the sanitary disposal~~
~~7 21 project, has filed a plan as required by section 455B.306.~~
~~7 22 For those sections for which the department has not developed~~
~~7 23 rules, the permit shall contain conditions and a schedule for~~
~~7 24 meeting all applicable requirements of section 455B.306.~~
7 25 ~~3. Beginning July 1, 1988, the director shall not renew or~~
~~7 26 reissue a permit which had been initially issued prior to that~~
~~7 27 date for a sanitary disposal project, unless the permit~~
~~7 28 applicant, in conjunction with all local governments using the~~
~~7 29 sanitary disposal project, has filed a plan as required by~~
~~7 30 section 455B.306. For those sections for which the department~~
~~7 31 has not developed rules, the permit shall contain conditions~~
~~7 32 and a schedule for meeting all applicable requirements of~~
~~7 33 section 455B.306.~~
7 34 ~~4. Beginning July 1, 1994, the director shall not renew or~~
~~7 35 reissue a permit which had been initially issued or renewed~~



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~~8 1 prior to that date for a sanitary disposal project, unless and~~
~~8 2 until the permit applicant, in conjunction with all local~~
~~8 3 governments using the sanitary disposal project, documents~~
~~8 4 that steps are being taken to begin implementing the plan~~
~~8 5 filed pursuant to section 455B.306. For those sections for~~
~~8 6 which the department has not developed rules, the permit shall~~
~~8 7 contain conditions and a schedule for meeting all applicable~~
~~8 8 requirements of section 455B.306. However, a permit may be~~
~~8 9 issued for the construction and operation of a new sanitary~~
~~8 10 disposal project in accordance with subsection 2.~~

8 11 5. Beginning July 1, 1997, the director shall not renew or
~~8 12 reissue a permit which had been renewed or reissued prior to~~
~~8 13 that date for a sanitary landfill, unless and until the permit~~
~~8 14 applicant, in conjunction with all local governments using the~~
~~8 15 landfill, documents that alternative methods of solid waste~~
~~8 16 disposal other than use of a sanitary landfill have been~~
~~8 17 implemented as set forth in the plan filed pursuant to section~~
~~8 18 455B.306. However, the director may issue a permit for the~~
~~8 19 construction and operation of a new sanitary landfill in~~
~~8 20 accordance with subsection 2 and a permit may be renewed or~~
~~8 21 reissued for a sanitary landfill which had received an initial~~
~~8 22 permit but the permit had not been previously renewed or~~
~~8 23 reissued prior to July 1, 1997 in accordance with subsection~~
~~8 24 3.~~

8 25 After July 1, 1997, however, no new landfill permits shall
~~8 26 be issued unless the applicant, in conjunction with all local~~
~~8 27 governments which will use the landfill, certifies that the~~
~~8 28 landfill is needed as a part of an alternative disposal~~
~~8 29 method, or unless the applicant provides documentation which~~
~~8 30 satisfies the director that alternatives have been studied and~~
~~8 31 are not either technically or economically feasible. The~~
~~8 32 decision of the director is subject to review by the~~
~~8 33 commission at its next meeting.~~

8 34 6. Beginning July 1, 1992, the director shall not issue a
~~8 35 permit for a sanitary landfill unless the sanitary landfill is~~



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~~9 1 equipped with a leachate control system. Beginning July 1,
9 2 1994, the director shall not renew or reissue a permit for an
9 3 existing sanitary landfill unless the sanitary landfill is
9 4 equipped with a leachate control system. During the period
9 5 from July 1, 1992, through June 30, 1994, the director may
9 6 require an existing sanitary landfill to install a leachate
9 7 control system if leachate from the sanitary landfill is
9 8 adversely impacting the public health or safety or the
9 9 environment. During the period from July 1, 1992, through
9 10 June 30, 1994, the director shall require an existing sanitary
9 11 landfill to install a leachate control system if the sanitary
9 12 landfill has not submitted a completed hydrogeological plan to
9 13 the department. The director may exempt a permit applicant
9 14 from these requirements if the director determines that
9 15 certain conditions regarding, but not limited to, existing
9 16 physical conditions, topography, soil, geology, and climate,
9 17 are such that a leachate control system is unnecessary. The
9 18 director may exempt a permit applicant from the requirements
9 19 of this subsection if the permittee certifies that a risk
9 20 assessment of the site indicates that a current or potential
9 21 threat to environmental health does not exist such that an
9 22 exposed individual has no greater than a one in one million
9 23 risk of developing cancer and for noncarcinogens a hazard
9 24 index of less than one. The director shall use the United
9 25 States environmental protection agency's risk assessment
9 26 guidance for the superfund as a basis for determining whether
9 27 to grant the exemption. The exemption in this subsection
9 28 shall apply only to sanitary landfill cells in existence prior
9 29 to July 1, 1992, or the vertical expansion above a cell in
9 30 which waste was deposited prior to July 1, 1992. A sanitary
9 31 landfill permittee desiring an exemption shall apply to the
9 32 director and certify a completion date for a risk assessment
9 33 study by December 1, 1994. If an exemption is not granted, or
9 34 if the risk assessment study concludes that a leachate control
9 35 system is required, a permittee shall certify a completion~~



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~~10 1 date and increments of progress for the installation of a
10 2 leachate control system. The department shall retain the
10 3 discretion to approve or disapprove a risk assessment study or
10 4 a proposed completion date under this subsection. If a
10 5 schedule for a risk assessment study or the installation of a
10 6 leachate control system is approved by the department and
10 7 satisfactory progress is being made toward completion of the
10 8 study or the installation of the leachate control system, the
10 9 permittee shall not be subject to penalties for failure to
10 10 meet the requirements of this subsection.~~

10 11 2. The director shall not issue or renew a permit for a
10 12 municipal solid waste landfill unless the permit applicant, in
10 13 conjunction with all local governments using the landfill, has
10 14 documented its implementation of solid waste disposal methods
10 15 other than final disposal in a sanitary landfill.

10 16 3. The director shall not issue or renew a permit for a
10 17 sanitary landfill unless the landfill is equipped with a
10 18 leachate control system.

10 19 ~~7- 4.~~ 4. The director shall not issue or renew a permit for a
10 20 transfer station operating as part of an agreement between two
10 21 planning areas pursuant to section 455B.306, subsection 2,
10 22 until unless the applicant, in conjunction with all local
10 23 governments using the transfer station, documents that
10 24 alternative methods of solid waste disposal other than final
10 25 disposal in a sanitary landfill have been implemented as set
10 26 forth in the plan filed pursuant to section 455B.306 has
10 27 documented its implementation of solid waste disposal methods
10 28 other than final disposal in a sanitary landfill.

10 29 Sec. 5. Section 455B.306, subsections 1 and 2, Code
10 30 Supplement 2007, are amended to read as follows:

10 31 1. A city, county, ~~and a~~ or private agency operating, or
10 32 planning to operate, a municipal solid waste sanitary disposal
10 33 project shall file with the director one of two types of
10 34 comprehensive plans detailing the method by which the city,
10 35 county, or private agency will comply with this part 1. The



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11 1 first type is a comprehensive plan in which solid waste is
11 2 disposed of in a sanitary landfill within the planning area.
11 3 The second type is a comprehensive plan in which all solid
11 4 waste is consolidated at, and transported from, a transfer
11 5 station for disposal at a sanitary landfill in another
11 6 comprehensive planning area or state.
11 7 a. All cities and counties shall also file with the
11 8 director a comprehensive plan detailing the method by which
11 9 the city or county will comply with the requirements of
11 10 section 455B.302 to establish and implement a comprehensive
11 11 solid waste reduction program for its residents.
11 12 ~~b. For the purposes of this section, a~~ A public agency
11 13 managing the waste stream for cities or counties pursuant to
11 14 chapter 28E, shall file one comprehensive plan on behalf of
11 15 its members, ~~which.~~ Filing of a comprehensive plan
11 16 constitutes full compliance by the public agency's members
11 17 with the filing requirements of this section.
11 18 c. If both a public agency managing the waste stream for a
11 19 city or county pursuant to chapter 28E, and one or more of the
11 20 public agency's member cities or counties file a comprehensive
11 21 plan under this subsection, the director shall, following
11 22 notice to the agency, make a determination that any plan filed
11 23 by a member city or county is compatible with the
11 24 comprehensive plan of the chapter 28E public agency. If the
11 25 director determines that ~~the comprehensive plan of a city~~
11 26 city's or county county's comprehensive plan is not compatible
11 27 with the comprehensive plan of a ~~chapter 28E~~ public agency, as
11 28 defined in chapter 28E, the director shall require the city or
11 29 county to provide justification for the approval of the
11 30 comprehensive plan based upon the following factors: the
11 31 innovative nature of the comprehensive plan, the urgency of
11 32 the plan's implementation, ~~or other~~ any unique features of the
11 33 city's or county's comprehensive plan of the city or county,
11 34 ~~and that,~~ and whether the plan otherwise complies with the
11 35 provisions of this chapter.



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12 1 d. This subsection does not prevent the director from
12 2 approving pilot projects which otherwise comply with the
12 3 provisions of this chapter.
12 4 e. The director shall review each comprehensive plan
12 5 submitted and may reject, suggest modification, or approve the
12 6 proposed plan. The director shall aid in the development of
12 7 comprehensive plans for compliance with this part. The
12 8 director shall make available to ~~a city, county, and private~~
~~12 9 agency~~ appropriate cities, counties, and private agencies the
12 10 forms appropriate for the submission of comprehensive plans,
12 11 and the director may hold hearings for the purpose of
12 12 implementing this part.
12 13 f. The director, and any governmental agencies with
12 14 primary responsibility for the development and conservation of
12 15 energy resources, shall provide research and assistance, when
12 16 cities and counties operating, or planning to operate,
12 17 sanitary disposal projects request aid in planning and
12 18 implementing resource recovery systems.
12 19 g. A comprehensive plan filed by a private agency
12 20 operating, or planning to operate, a sanitary disposal project
12 21 required ~~pursuant to~~ by section 455B.302 shall be developed in
12 22 cooperation and consultation with the city or county
12 23 responsible ~~to provide for the establishment and operation of~~
12 24 for establishing and operating a sanitary disposal project.
12 25 h. ~~A~~ The director shall review a completed plan for the
12 26 control and treatment of leachate, ~~submitted~~ to meet the
12 27 requirements of section ~~455B.305~~ 455B.306, subsection ~~6,~~ shall
~~12 28 be reviewed by the director, and the director~~ 7, paragraph
12 29 "b", and shall reject the plan, suggest modifications, or
12 30 approve the completed plan it within six months of ~~submittal~~
~~12 31 of the plan~~ the time the plan was submitted. If ~~no action is~~
~~12 32 taken~~ the director has not acted on the plan within the
~~12 33 six-month period~~ those six months, the plan shall be
12 34 considered approved. However, the director, upon a request to
12 35 renew or reissue a previously issued permit may require



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13 1 ~~updating of the plan at the time of renewal or reissuance of a~~
13 2 ~~previously issued permit that the plan be updated.~~
13 3 2. A planning area that closes all of the municipal solid
13 4 waste sanitary landfills located in the planning area and
13 5 chooses instead to use a municipal solid waste sanitary
13 6 landfill in another planning area ~~that~~ may choose to retain
13 7 its autonomy as long as the sanitary landfill in the other
13 8 planning area complies with all the requirements under
13 9 ~~subtitle D of the federal Resource Conservation and Recovery~~
13 10 ~~Act, with of this chapter, and all solid waste generated~~
13 11 within the planning area being closing its landfills is
13 12 consolidated at, and transported from, a permitted transfer
13 13 station, may elect to retain autonomy as a planning area and.
13 14 For purposes of this subsection, a planning area closing its
13 15 own landfills that chooses to retain its autonomy shall not be
13 16 required to join the planning area where the that contains the
13 17 landfill being used it is using for final disposal of its
13 18 solid waste is located.
13 19 a. If a planning area ~~makes the election under~~ chooses to
13 20 retain autonomy pursuant to this subsection, the planning area
13 21 receiving ~~the~~ solid waste from the planning area ~~making the~~
13 22 election sending it shall not be required to include the
13 23 ~~planning area making the election in a~~ sending planning area
13 24 in its comprehensive plan provided that no services other than
13 25 the acceptance of solid waste for disposal are shared between
13 26 the two planning areas other than the acceptance of solid
13 27 ~~waste for disposal at a sanitary landfill. The A~~ planning
13 28 area receiving the solid waste shall only be responsible for
13 29 the permitting, planning, and waste reduction and diversion
13 30 programs in the planning area receiving the solid waste within
13 31 that planning area.
13 32 b. If the department determines that solid waste cannot
13 33 reasonably be consolidated and transported from a particular
13 34 transfer station, the department may establish permit
13 35 conditions to address the transport and disposal of the solid



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14 1 waste. ~~An election may be made~~ A planning area sending solid
14 2 waste for disposal in another planning area may retain
14 3 autonomy under this subsection only if ~~the two~~ both
14 4 comprehensive planning areas enter into an agreement pursuant
14 5 to chapter 28E that includes, ~~at a minimum,~~ all of the
14 6 following:
14 7 ~~a.~~ (1) A detailed methodology of the manner in which solid
14 8 waste will be tracked and reported between the two planning
14 9 areas.
14 10 ~~b.~~ (2) A detailed methodology of the manner in which the
14 11 receiving sanitary landfill will collect, remit, and report
14 12 tonnage fees, pursuant to section 455B.310, paid by the
14 13 planning area that is transporting the solid waste. The
14 14 methodology shall include both the remittances of tonnage fees
14 15 to the state and the retained tonnage fees.
14 16 Sec. 6. Section 455B.306, subsection 7, paragraph b, Code
14 17 Supplement 2007, is amended to read as follows:
14 18 b. A plan for the control and treatment of leachate,
14 19 including financial considerations proposed in meeting the
14 20 costs of control and treatment in order to meet the
14 21 requirements of section 455B.305, subsection ~~6~~ 3.
14 22 Sec. 7. Section 455B.306, subsections 9 and 12, Code
14 23 Supplement 2007, are amended to read as follows:
14 24 9. In addition to the comprehensive plan filed pursuant to
14 25 subsection 1, a person operating, or proposing to operate, a
14 26 sanitary disposal project shall provide a financial assurance
14 27 instrument to the department prior to the initial approval of
14 28 a permit or prior to the renewal of a permit for an existing
14 29 or expanding facility beginning July 1, 1988.
14 30 a. The financial assurance instrument shall meet all
14 31 requirements adopted by rule by the commission, and shall not
14 32 be canceled, revoked, disbursed, released, or allowed to
14 33 terminate without the approval of the department. Following
14 34 the cessation of operation or the closure of a sanitary
14 35 disposal project, neither the guarantor nor the operator shall



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15 1 cancel, revoke, or disburse the financial assurance instrument
15 2 or allow the instrument to terminate until the operator is
15 3 released from closure, postclosure, and monitoring
15 4 responsibilities.

15 5 b. The operator of a sanitary landfill shall maintain
15 6 closure, and postclosure accounts. The commission shall adopt
15 7 by rule the amounts to be contributed to the accounts based
15 8 upon the amount of solid waste received by the facility. The
15 9 accounts established shall be specific to the facility.

15 10 (1) Money in the accounts shall not be assigned for the
15 11 benefit of creditors with the exception of the state.

15 12 (2) Money in an account shall not be used to pay any final
15 13 judgment against a licensee arising out of the ownership or
15 14 operation of the site during its active life or after closure.

15 15 (3) Conditions under which the department may gain access
15 16 to the accounts and circumstances under which the accounts may
15 17 be released to the operator after closure and postclosure
15 18 responsibilities have been met, shall be established by the
15 19 commission.

15 20 c. The commission shall adopt by rule the minimum amounts
15 21 of financial responsibility for sanitary disposal projects.

15 22 d. Financial assurance instruments may include ~~instruments~~
~~15 23 such as cash or surety bond, a letter of credit, a secured~~
~~15 24 trust fund, or a corporate guarantee~~ any of the instruments
15 25 described in section 455B.301, subsection 9.

15 26 e. The annual financial statement submitted to the
15 27 department pursuant to subsection 7, paragraph "c", shall
15 28 include the current amounts established in each of the
15 29 accounts and the projected amounts to be deposited in the
15 30 accounts in the following year.

15 31 12. This section shall not apply to a sanitary landfill
15 32 project owned by an electric generating facility and used
15 33 exclusively for the disposal of coal combustion residue.
15 34 ~~Notwithstanding section 455B.301, subsection 8, a utility~~
~~15 35 under this subsection may demonstrate financial assurance~~



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~~House File 2498 — Introduced continued~~

~~16 1 through the use of a secured trust fund, a cash or surety
16 2 bond, a corporate financial test as provided by the
16 3 department, the obtaining of an irrevocable letter of credit,
16 4 or an alternative method as provided by the department. A
16 5 utility under this subsection may demonstrate financial
16 6 assurance by any of the instruments described in section
16 7 455B.301, subsection 9, or by an alternative method acceptable
16 8 to the department. The financial assurance instrument
16 9 submitted must ensure the facility's financial capability to
16 10 provide reasonable and necessary response during the lifetime
16 11 of the project and for a specified period of time following
16 12 closure as required by rules adopted by the commission.~~

16 13 EXPLANATION

16 14 This bill relates to solid waste disposal and sanitary
16 15 landfills.

16 16 The bill modifies certain definitions of terms related to
16 17 solid waste, removes outdated language, and clarifies some
16 18 provisions.

16 19 The bill broadens the definition of a "financial assurance
16 20 instrument", which must be submitted by the operator of a
16 21 sanitary disposal project, and adds a definition of "rubble".

16 22 The bill directs the department of natural resources to
16 23 adopt rules for determining when the utilization of a solid
16 24 by-product constitutes beneficial use, and it makes necessary
16 25 related changes such as defining "beneficial use". The bill
16 26 provides that any materials constituting such a beneficial use
16 27 are exempt from certain tonnage fees.

16 28 Currently, the Code contains provisions preventing the
16 29 director of the department of natural resources from issuing
16 30 permits for solid waste disposal facilities unless certain
16 31 required comprehensive plans have been filed. Those
16 32 provisions specify dates on which the director was to begin
16 33 requiring such plans, but those dates have passed. The bill
16 34 simplifies the provisions governing the issuance and renewal
16 35 of solid waste permits by removing and updating the provisions



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House File 2498 - Introduced continued

17 1 containing the outdated language.
17 2 LSB 5409HV 82
17 3 tw/nh/8.1



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House File 2499 - Introduced

HOUSE FILE
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 538)

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

A BILL FOR

- 1 An Act relating to case permanency plans, consent decrees, and
- 2 attendance at proceedings in juvenile court.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5504HV 82
- 5 jm/rj/8



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House File 2499 - Introduced continued

PAG LIN

1 1 Section 1. Section 232.2, subsection 4, paragraph e, Code
1 2 Supplement 2007, is amended to read as follows:

1 3 e. The most recent information available regarding the
1 4 child's health and education records, including the date the
1 5 records were supplied to the agency or individual who is the
1 6 child's foster care provider. If the child remains in foster
1 7 care until the age of majority, the child is entitled to
1 8 receive prior to discharge the most recent information
1 9 available regarding the child's health and educational
1 10 records.

1 11 Sec. 2. Section 232.46, subsection 4, Code 2007, is
1 12 amended to read as follows:

1 13 4. A consent decree shall remain in force for ~~six months~~
1 14 up to one year unless the child is sooner discharged by the
1 15 court or by the juvenile court officer or other agency or
1 16 person supervising the child. Upon application of a juvenile
1 17 court officer or other agency or person supervising the child
1 18 made prior to the expiration of the decree and after notice
1 19 and hearing, or upon agreement by the parties, a consent
1 20 decree may be extended for up to an additional ~~six months~~ year
1 21 by order of the court.

1 22 Sec. 3. Section 232.91, subsection 3, Code Supplement
1 23 2007, is amended to read as follows:

1 24 3. Any person who is entitled under section 232.88 to
1 25 receive notice of a hearing concerning a child shall be given
1 26 the opportunity to be heard in any other review or hearing
1 27 involving the child. A foster parent, relative, or other
1 28 individual with whom a child has been placed for preadoptive
1 29 care shall have the right to be heard in any proceeding
1 30 involving the child. If a child is of an age appropriate to
1 31 attend the hearing but the child does not attend, the court
1 32 shall determine if the child was informed of the child's right
1 33 to attend the hearing.

1 34 EXPLANATION

1 35 This bill relates to case permanency plans, consent



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House File 2499 - Introduced continued

2 1 decrees, and notification in juvenile court.
2 2 The bill provides that a child who remains in foster care
2 3 until the age of majority may receive the most recent
2 4 information regarding the child's health and educational
2 5 records prior to discharge from juvenile court.
2 6 The bill provides that a consent decree entered into in
2 7 juvenile court in a juvenile delinquency proceeding shall
2 8 remain in force for up to one year unless the juvenile is
2 9 discharged by the court. The bill also provides that a
2 10 consent decree may be extended for up to an additional year.
2 11 Current law provides that a consent decree shall only remain
2 12 in force for six months and may be extended for an additional
2 13 six months.
2 14 A consent decree is an agreement entered into by a juvenile
2 15 in delinquency proceeding whereby the juvenile voluntarily
2 16 agrees to terms and conditions established by the court. If
2 17 the juvenile abides by the terms and conditions of the consent
2 18 decree the state cannot proceed against the juvenile for any
2 19 delinquent act alleged in the delinquency petition.
2 20 Under the bill, in any child in need of assistance
2 21 proceedings where the child does not attend and the child's
2 22 age is appropriate to attend such proceedings, the court shall
2 23 determine if the child was informed of the child's right to
2 24 attend.
2 25 LSB 5504HV 82
2 26 jm/rj/8



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House File 2500 - Introduced

HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 62)

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

A BILL FOR

- 1 An Act creating the criminal offense of interference with
- 2 judicial acts, and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6574HV 82
- 5 jm/nh/5



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House File 2500 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 720.7 INTERFERENCE WITH JUDICIAL
1 2 ACTS == PENALTY.

1 3 1. As used in this section:

1 4 a. "Court employee" means the same as defined in section
1 5 602.1101.

1 6 b. "Judicial officer" means the same as defined in section
1 7 602.1101.

1 8 c. "Family member" means a spouse, son, daughter, brother,
1 9 sister, uncle, aunt, first cousin, nephew, niece,
1 10 father-in-law, mother-in-law, son-in-law, daughter-in-law,
1 11 brother-in-law, sister-in-law, father, mother, stepfather,
1 12 stepmother, stepson, stepdaughter, stepbrother, stepsister,
1 13 half brother, or half sister.

1 14 2. A person who harasses a judicial officer, court
1 15 employee, or a family member of a judicial officer or a court
1 16 employee in violation of section 708.7, with the intent to
1 17 interfere with or improperly influence, or in retaliation for,
1 18 the official acts of a judicial officer or court employee,
1 19 commits an aggravated misdemeanor.

1 20 EXPLANATION

1 21 This bill creates a criminal offense for interference with
1 22 judicial acts.

1 23 Under the bill, a person who harasses a judicial officer,
1 24 court employee, or a family member of a judicial officer or
1 25 court employee in violation of Code section 708.7, with the
1 26 intent to interfere with or improperly influence, or in
1 27 retaliation for, the official acts of a judicial officer or
1 28 court employee, commits an aggravated misdemeanor.

1 29 An aggravated misdemeanor is punishable by confinement for
1 30 no more than two years and a fine of at least \$625 but no more
1 31 than \$6,250.

1 32 LSB 6574HV 82

1 33 jm/nh/5



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House File 2501 - Introduced

HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2300)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to mandatory retirement for senior judges.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TL5B 6385HV 82
- 4 ec/rj/24



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House File 2501 - Introduced continued

PAG LIN

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

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

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

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

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

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



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House File 2501 - Introduced continued

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

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

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

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



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

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

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

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

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

3 26 EXPLANATION

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

3 33 LSB 6385HV 82

3 34 ec/rj/24



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House File 2502 - Introduced

HOUSE FILE
BY JACOBY

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

A BILL FOR

- 1 An Act providing for a residual biomass tax credit, and including
- 2 effective and applicability dates.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5602HH 82
- 5 da/rj/5



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House File 2502 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 422.11V RESIDUAL BIOMASS TAX
1 2 CREDIT.
1 3 1. The taxes imposed under this division, less the credits
1 4 allowed under section 422.12, shall be reduced by a residual
1 5 biomass tax credit as allowed under section 469.41.
1 6 2. This section is repealed December 31, 2015.
1 7 Sec. 2. Section 422.33, Code Supplement 2007, is amended
1 8 by adding the following new subsection:
1 9 NEW SUBSECTION. 11D. a. The taxes imposed under this
1 10 division shall be reduced by a residual biomass tax credit as
1 11 allowed under section 469.41.
1 12 b. This subsection is repealed December 31, 2015.
1 13 Sec. 3. Section 469.31, Code Supplement 2007, is amended
1 14 by adding the following new subsections:
1 15 NEW SUBSECTION. 4A. "Biofuel" means a combustible liquid
1 16 or gas derived from a biomass that alone or in combination
1 17 with other compounds is capable of fueling an engine or being
1 18 burned to produce steam for industrial heating. "Biofuel"
1 19 includes but is not limited to ethanol or biodiesel as defined
1 20 in section 214A.1.
1 21 NEW SUBSECTION. 4B. "Biofuel manufacturer" means a
1 22 biobased materials industry organized as a business
1 23 association in this state that produces biofuel.
1 24 NEW SUBSECTION. 11. "Residual cellulosic biomass" means
1 25 that type of cellulosic biomass that does not have nutritional
1 26 or caloric value when fed to agricultural animals, including
1 27 but not limited to wheat and rice straw, corn stalks and cobs,
1 28 seed husks and hulls, and manure.
1 29 Sec. 4. Section 469.31, subsection 7, Code Supplement
1 30 2007, is amended to read as follows:
1 31 7. "Cellulosic ~~biomass renewable fuel~~ biomass" means
1 32 ~~renewable fuel derived from a lignocellulosic or~~
1 33 ~~hemicellulosic lignocellulosic matter that contains any~~
1 34 combination of lignin, cellulose, or hemicellulose that
1 35 comprises at least sixty-five percent of the material and dry



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House File 2502 - Introduced continued

2 1 matter basis. "Cellulosic biomass" includes matter ~~that is~~
2 2 deriving from nonfood or animal feed sources and available on
2 3 a renewable or recurring basis, including dedicated energy
2 4 crops and trees, wood and wood residues, plants, grasses,
2 5 agricultural residues, fiber, animal wastes and other waste
2 6 materials, refuse-derived fuel, and municipal solid waste.
2 7 7A. "Cellulosic biomass renewable fuel" means a renewable
2 8 fuel derived from cellulosic biomass.

2 9 Sec. 5. NEW SECTION. 469.41 RESIDUAL BIOMASS TAX CREDIT.

2 10 A residual biomass tax credit is allowed under this
2 11 section. The tax credit is allowed against the taxes imposed
2 12 in chapter 422, division II, as provided in section 422.11V,
2 13 and in chapter 422, division III, as provided in section
2 14 422.33.

2 15 1. The purpose of the tax credit is to stimulate the
2 16 increased use of residual cellulosic biomass as a feedstock in
2 17 the manufacture of a biofuel or other forms of renewable
2 18 energy.

2 19 2. The tax credit equals ten dollars for each ton of
2 20 residual cellulosic biomass as measured on a dry matter basis.
2 21 An assay will be performed by the purchaser of biomass to
2 22 determine the usable content and unusable portions shall be
2 23 discounted proportionately. A taxpayer shall not claim a tax
2 24 credit in excess of thirty-five thousand dollars in any tax
2 25 year.

2 26 3. A taxpayer shall not claim a tax credit under this
2 27 section, unless all of the following applies:

2 28 a. The taxpayer is qualified to provide for the storage,
2 29 processing, and delivery of residual cellulosic biomass to a
2 30 biofuel manufacturer.

2 31 b. The biofuel manufacturer is qualified to actively
2 32 produce biofuel on a commercially viable scale.

2 33 4. A taxpayer's tax return shall include all of the
2 34 following:

2 35 a. A tax credit certificate issued by the office attached



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House File 2502 - Introduced continued

3 1 to the taxpayer's tax return for the tax year for which the
3 2 tax credit is claimed.

3 3 (1) The office must review and approve an application for
3 4 a tax credit as provided by rules adopted by the office. The
3 5 office may approve the application and issue a certificate
3 6 only if it determines that the taxpayer and the biofuel
3 7 manufacturer are qualified for the tax credit.

3 8 (2) A tax credit certificate shall contain the taxpayer's
3 9 name, address, and tax identification number, and any other
3 10 information required by the office. The tax credit
3 11 certificate shall only list one type of tax to which the tax
3 12 credit may be applied. Once issued, the tax credit
3 13 certificate shall not be terminated or rescinded. The tax
3 14 credit may only be claimed against the type of tax reflected
3 15 on the certificate.

3 16 b. Receipts or assay reports provided by the biofuel
3 17 manufacturer attached to the taxpayer's tax return as required
3 18 by the office.

3 19 5. A tax credit in excess of the taxpayer's liability for
3 20 the tax year may be credited to the tax liability for the
3 21 following five years or until depleted, whichever is earlier.
3 22 A tax credit shall not be carried back to a tax year prior to
3 23 the tax year in which the taxpayer redeems the tax credit. A
3 24 tax credit shall not be transferable to any other person other
3 25 than the taxpayer's estate or trust upon the taxpayer's death.

3 26 6. This section is repealed December 31, 2015.

3 27 Sec. 6. EFFECTIVE AND APPLICABILITY DATE. This Act takes
3 28 effect January 1, 2010, and applies to tax years beginning on
3 29 or after that date.

3 30 EXPLANATION

3 31 This bill provides a residual biomass tax credit allowed
3 32 against income taxes for individuals under Code chapter 422,
3 33 division II, and businesses under Code chapter 422, division
3 34 III. The purpose of the tax credit is to stimulate the
3 35 increased use of residual cellulosic biomass as a feedstock in



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House File 2502 - Introduced continued

4 1 the manufacture of a biofuel (a combustible liquid or gas
4 2 derived from a biomass that alone or in combination with other
4 3 compounds is capable of fueling an engine or the production of
4 4 steam for industrial heating).

4 5 The amount of the tax credit is \$10 for each ton of
4 6 residual cellulosic biomass containing less than 65 percent
4 7 lignin, cellulose, or hemicellulose that is to be purchased by
4 8 a biofuel manufacturer. The tax credit cannot exceed \$35,000
4 9 per tax year.

4 10 The bill imposes certain conditions upon a taxpayer who
4 11 must demonstrate that they are qualified to provide for the
4 12 storage, processing, and delivery of residual cellulosic
4 13 biomass to a biofuel manufacturer and upon a biofuel
4 14 manufacturer who must be organized in this state and qualified
4 15 to actively produce biofuel on a commercially viable scale.

4 16 The bill provides that the taxpayer's tax return must
4 17 include documentation including a tax credit certificate
4 18 issued by the office of energy independence. The office must
4 19 review and approve an application for a tax credit certificate
4 20 according to its rules, and the taxpayer may be required to
4 21 submit additional information with its tax return. The bill
4 22 also provides for the issuance of a tax credit certificate,
4 23 and for tax credit to be carried forward.

4 24 This tax credit is eliminated on December 31, 2015.

4 25 The bill takes effect January 1, 2010, and applies to tax
4 26 years beginning on or after that date.

4 27 LSB 5602HH 82

4 28 da/rj/5



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House File 2503 - Introduced

HOUSE FILE
BY PETTENGILL

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

A BILL FOR

1 An Act requiring that a person entering into a repurchase
2 contract for the growing of corn seed stock post a special
3 bond.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5735HH 82
6 da/nh/5



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House File 2503 - Introduced continued

PAG LIN

1 1 Section 1. Section 199.16, Code 2007, is amended to read
1 2 as follows:
1 3 199.16 PERMIT HOLDER'S BOND.
1 4 It is unlawful for the permit holder to enter into a
1 5 contract with a grower who purchases agricultural seed in
1 6 which the permit holder agrees to repurchase the seed crop
1 7 produced from the purchased seed at a price in excess of the
1 8 current market price, unless the permit holder has on file
1 9 with the department a general bond, in a penal sum of
1 10 twenty-five thousand dollars running to the state of Iowa,
1 11 with sureties approved by the secretary, for the use and
1 12 benefit of a person holding a repurchase contract who might
1 13 have a cause of action of any nature arising from the purchase
1 14 or contract. However, the aggregate liability of the surety
1 15 to all purchasers of seed holding repurchase contracts shall
1 16 not exceed the sum of the bond. In addition to the general
1 17 bond, if the permit holder sells corn seed to the grower under
1 18 a repurchase contract as provided in this section, the permit
1 19 holder shall furnish the department with a special bond in the
1 20 amount of the purchase price for the benefit of the grower in
1 21 the same manner as the general bond. The grower shall not be
1 22 reimbursed for the same damages under the general bond and the
1 23 special bond.

1 24 EXPLANATION

1 25 This bill amends Code section 199.16, which applies when a
1 26 person licensed by the department of agriculture and land
1 27 stewardship to distribute agricultural seed (permit holder)
1 28 contracts with a person promising to grow the seed (grower).
1 29 The Code section provides that the permit holder must execute
1 30 a bond with the department in the amount of \$25,000. The bill
1 31 refers to these bonds as general bonds and provides that in
1 32 cases in which the grower pays for the seed for planting, the
1 33 permit holder must post a special bond for the benefit of the
1 34 grower for the amount of the purchase price. The bill also
1 35 provides that the grower cannot be reimbursed for the same



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House File 2503 - Introduced continued

2 1 damages under the general bond and the special bond.
2 2 LSB 5735HH 82
2 3 da/nh/5



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House Study Bill 762

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

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing for a residual biomass tax credit, and including
- 2 effective and applicability dates.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5602HC 82
- 5 da/rj/5



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House Study Bill 762 continued

PAG LIN

1 1 Section 1. NEW SECTION. 422.11V RESIDUAL BIOMASS TAX
1 2 CREDIT.
1 3 1. The taxes imposed under this division, less the credits
1 4 allowed under section 422.12, shall be reduced by a residual
1 5 biomass tax credit as allowed under section 469.41.
1 6 2. This section is repealed December 31, 2015.
1 7 Sec. 2. Section 422.33, Code Supplement 2007, is amended
1 8 by adding the following new subsection:
1 9 NEW SUBSECTION. 11D. a. The taxes imposed under this
1 10 division shall be reduced by a residual biomass tax credit as
1 11 allowed under section 469.41.
1 12 b. This subsection is repealed December 31, 2015.
1 13 Sec. 3. Section 469.31, Code Supplement 2007, is amended
1 14 by adding the following new subsections:
1 15 NEW SUBSECTION. 4A. "Biofuel" means a combustible liquid
1 16 or gas derived from a biomass that alone or in combination
1 17 with other compounds is capable of fueling an engine or being
1 18 burned to produce steam for industrial heating. "Biofuel"
1 19 includes but is not limited to ethanol or biodiesel as defined
1 20 in section 214A.1.
1 21 NEW SUBSECTION. 4B. "Biofuel manufacturer" means a
1 22 biobased materials industry organized as a business
1 23 association in this state that produces biofuel.
1 24 NEW SUBSECTION. 11. "Residual cellulosic biomass" means
1 25 that type of cellulosic biomass that does not have nutritional
1 26 or caloric value when fed to agricultural animals, including
1 27 but not limited to wheat and rice straw, corn stalks and cobs,
1 28 seed husks and hulls, and manure.
1 29 Sec. 4. Section 469.31, subsection 7, Code Supplement
1 30 2007, is amended to read as follows:
1 31 7. "Cellulosic ~~biomass renewable fuel~~ biomass" means
1 32 ~~renewable fuel derived from a lignocellulosic or~~
1 33 ~~hemicellulosic lignocellulosic matter that contains any~~
1 34 combination of lignin, cellulose, or hemicellulose that
1 35 comprises at least sixty-five percent of the material and dry



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2 1 matter basis. "Cellulosic biomass" includes matter ~~that is~~
2 2 deriving from nonfood or animal feed sources and available on
2 3 a renewable or recurring basis, including dedicated energy
2 4 crops and trees, wood and wood residues, plants, grasses,
2 5 agricultural residues, fiber, animal wastes and other waste
2 6 materials, refuse-derived fuel, and municipal solid waste.
2 7 7A. "Cellulosic biomass renewable fuel" means a renewable
2 8 fuel derived from cellulosic biomass.

2 9 Sec. 5. NEW SECTION. 469.41 RESIDUAL BIOMASS TAX CREDIT.
2 10 A residual biomass tax credit is allowed under this
2 11 section. The tax credit is allowed against the taxes imposed
2 12 in chapter 422, division II, as provided in section 422.11V,
2 13 and in chapter 422, division III, as provided in section
2 14 422.33.

2 15 1. The purpose of the tax credit is to stimulate the
2 16 increased use of residual cellulosic biomass as a feedstock in
2 17 the manufacture of a biofuel or other forms of renewable
2 18 energy.

2 19 2. The tax credit equals ten dollars for each ton of
2 20 residual cellulosic biomass as measured on a dry matter basis.
2 21 An assay will be performed by the purchaser of biomass to
2 22 determine the usable content and unusable portions shall be
2 23 discounted proportionately. A taxpayer shall not claim a tax
2 24 credit in excess of thirty-five thousand dollars in any tax
2 25 year.

2 26 3. A taxpayer shall not claim a tax credit under this
2 27 section, unless all of the following applies:

2 28 a. The taxpayer is qualified to provide for the storage,
2 29 processing, and delivery of residual cellulosic biomass to a
2 30 biofuel manufacturer.

2 31 b. The biofuel manufacturer is qualified to actively
2 32 produce biofuel on a commercially viable scale.

2 33 4. A taxpayer's tax return shall include all of the
2 34 following:

2 35 a. A tax credit certificate issued by the office attached



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3 1 to the taxpayer's tax return for the tax year for which the
3 2 tax credit is claimed.

3 3 (1) The office must review and approve an application for
3 4 a tax credit as provided by rules adopted by the office. The
3 5 office may approve the application and issue a certificate
3 6 only if it determines that the taxpayer and the biofuel
3 7 manufacturer are qualified for the tax credit.

3 8 (2) A tax credit certificate shall contain the taxpayer's
3 9 name, address, and tax identification number, and any other
3 10 information required by the office. The tax credit
3 11 certificate shall only list one type of tax to which the tax
3 12 credit may be applied. Once issued, the tax credit
3 13 certificate shall not be terminated or rescinded. The tax
3 14 credit may only be claimed against the type of tax reflected
3 15 on the certificate.

3 16 b. Receipts or assay reports provided by the biofuel
3 17 manufacturer attached to the taxpayer's tax return as required
3 18 by the office.

3 19 5. A tax credit in excess of the taxpayer's liability for
3 20 the tax year may be credited to the tax liability for the
3 21 following five years or until depleted, whichever is earlier.
3 22 A tax credit shall not be carried back to a tax year prior to
3 23 the tax year in which the taxpayer redeems the tax credit. A
3 24 tax credit shall not be transferable to any other person other
3 25 than the taxpayer's estate or trust upon the taxpayer's death.

3 26 6. This section is repealed December 31, 2015.

3 27 Sec. 6. EFFECTIVE AND APPLICABILITY DATE. This Act takes
3 28 effect January 1, 2010, and applies to tax years beginning on
3 29 or after that date.

3 30 EXPLANATION

3 31 This bill provides a residual biomass tax credit allowed
3 32 against income taxes for individuals under Code chapter 422,
3 33 division II, and businesses under Code chapter 422, division
3 34 III. The purpose of the tax credit is to stimulate the
3 35 increased use of residual cellulosic biomass as a feedstock in



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4 1 the manufacture of a biofuel (a combustible liquid or gas
4 2 derived from a biomass that alone or in combination with other
4 3 compounds is capable of fueling an engine or the production of
4 4 steam for industrial heating).

4 5 The amount of the tax credit is \$10 for each ton of
4 6 residual cellulosic biomass containing less than 65 percent
4 7 lignin, cellulose, or hemicellulose that is to be purchased by
4 8 a biofuel manufacturer. The tax credit cannot exceed \$35,000
4 9 per tax year.

4 10 The bill imposes certain conditions upon a taxpayer who
4 11 must demonstrate that they are qualified to provide for the
4 12 storage, processing, and delivery of residual cellulosic
4 13 biomass to a biofuel manufacturer and upon a biofuel
4 14 manufacturer who must be organized in this state and qualified
4 15 to actively produce biofuel on a commercially viable scale.

4 16 The bill provides that the taxpayer's tax return must
4 17 include documentation including a tax credit certificate
4 18 issued by the office of energy independence. The office must
4 19 review and approve an application for a tax credit certificate
4 20 according to its rules, and the taxpayer may be required to
4 21 submit additional information with its tax return. The bill
4 22 also provides for the issuance of a tax credit certificate,
4 23 and for tax credit to be carried forward.

4 24 This tax credit is eliminated on December 31, 2015.

4 25 The bill takes effect January 1, 2010, and applies to tax
4 26 years beginning on or after that date.

4 27 LSB 5602HC 82

4 28 da/rj/5



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House Study Bill 763

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

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

A BILL FOR

1 An Act relating to economic growth by creating a workforce
2 innovation for regional economic development task force and
3 making an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6536YC 82
6 tw/nh/24



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1 1 Section 1. FINDINGS. The general assembly finds that
1 2 Iowa's demographics and the projected skill level of Iowa's
1 3 workforce will result in as many as one hundred and fifty
1 4 thousand more jobs by the year 2012 than the state's workforce
1 5 can fill and that without better coordination of public and
1 6 private efforts to address this shortage, the long-term
1 7 economic health of the state is threatened.

1 8 Sec. 2. WORKFORCE INNOVATION FOR REGIONAL ECONOMIC
1 9 DEVELOPMENT TASK FORCE.

1 10 1. PURPOSE. A workforce innovation for regional economic
1 11 development task force is established within the department of
1 12 workforce development. The task force shall be coordinated in
1 13 cooperation with the department of economic development and
1 14 the department of management. The department shall initially
1 15 convene the task force no later than July 1, 2008, and the
1 16 task force shall be regularly convened as often as necessary.
1 17 The purpose of the task force shall be to study and make
1 18 recommendations on how the various agencies, programs,
1 19 initiatives, services, and stakeholders that play a role in
1 20 workforce development can be better coordinated and more
1 21 appropriately restructured in order to more efficiently and
1 22 effectively deliver workforce-related services throughout the
1 23 state.

1 24 2. GOALS. By January 1, 2010, the task force shall report
1 25 to the general assembly its recommendations for a workforce
1 26 innovation in regional economic development program, which
1 27 program shall be designed to address all of the following
1 28 goals:

1 29 a. Improving interagency collaboration and innovation
1 30 across regions of the state.

1 31 b. Implementing regional organizational structures for
1 32 workforce development which have the capacity to span multiple
1 33 labor markets and political subdivisions.

1 34 c. Developing strategies for workforce development that
1 35 recognize local economies and industry clusters.



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- 2 1 d. Designing mechanisms for integrating workforce
2 2 development goals with economic development goals and
2 3 educational goals.
- 2 4 e. Eliminating duplicative and inefficient program
2 5 offerings.
- 2 6 f. Improving the delivery of technical and financial
2 7 workforce development assistance to communities, businesses,
2 8 educational institutions, and individuals throughout the
2 9 state.
- 2 10 g. Fostering strategic partnerships between business,
2 11 education, industry, and government within and between regions
2 12 of the state.
- 2 13 h. Identifying processes for transforming regional
2 14 workforce development efforts by pursuing integration and
2 15 innovation.
- 2 16 i. Increasing the involvement of business and industry in
2 17 equipping workers with the skills necessary to make the state
2 18 competitive in a global economy.
- 2 19 j. Identifying strategies and examining organizational
2 20 structures for better developing entrepreneurship within and
2 21 between regions and industry clusters.
- 2 22 k. Increasing workforce participation within certain
2 23 lower-participation population groups including but not
2 24 limited to older Iowans, young adults, persons with
2 25 disabilities, and new residents.
- 2 26 l. Improving services and training for low-income
2 27 populations.
- 2 28 3. MEMBERSHIP. The task force shall elect a chairperson,
2 29 and membership on the task force shall consist of all of the
2 30 following:
- 2 31 a. Voting members of the task force shall include all of
2 32 the following:
- 2 33 (1) One member selected by the Iowa association of
2 34 independent colleges and universities.
- 2 35 (2) One member selected by the board of regents to



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- 3 1 represent the regents institutions.
3 2 (3) One member selected by the Iowa association of
3 3 community college trustees.
3 4 (4) One member selected by the Iowa area education
3 5 agencies.
3 6 (5) One member from the Iowa state university extension
3 7 service.
3 8 (6) Two members representing the department of education.
3 9 (7) Two members of the public, selected by the department
3 10 of education, representing school districts and accredited
3 11 nonpublic schools, one representing a school district and one
3 12 representing an accredited nonpublic school.
3 13 (8) One member representing the department of workforce
3 14 development.
3 15 (9) One member, selected by the department of workforce
3 16 development, representing a regional workforce investment
3 17 board, as defined in 877 IAC 6.1.
3 18 (10) One member, selected by the association of Iowa
3 19 workforce partners, representing workforce investment program
3 20 training providers, as described in section 84A.8.
3 21 (11) One member, selected by the department of education,
3 22 representing recipients receiving funding pursuant to Title 1
3 23 of the federal Elementary and Secondary Education Act.
3 24 (12) One member selected by the Iowa community action
3 25 association.
3 26 (13) One member from the department of management.
3 27 (14) One member from the governor's office.
3 28 (15) Three members, selected by the governor, representing
3 29 business and industry.
3 30 (16) One member from the department of human services.
3 31 (17) One member representing the department of economic
3 32 development.
3 33 (18) Three members of the general public, selected by the
3 34 department of economic development. The members selected by
3 35 the department of economic development shall conform to the



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4 1 following:

4 2 (a) One member representing local economic development
4 3 issues.

4 4 (b) One member representing regional economic development
4 5 issues.

4 6 (c) One member representing statewide economic development
4 7 issues.

4 8 (19) One member representing the department of
4 9 corrections.

4 10 (20) One member representing the department of elder
4 11 affairs.

4 12 (21) One member representing the department of cultural
4 13 affairs.

4 14 (22) Three members, selected by the governor, representing
4 15 organized labor.

4 16 (23) One member, selected by the department of workforce
4 17 development, representing older Iowans.

4 18 (24) One member, selected by the department of workforce
4 19 development, representing new Iowa residents.

4 20 (25) One member, selected by the department of workforce
4 21 development, representing young adults.

4 22 (26) One member, selected by the department of workforce
4 23 development, representing Iowans with disabilities.

4 24 b. Nonvoting members of the task force shall include all
4 25 of the following:

4 26 (1) Two members of the senate. One senator shall be
4 27 appointed by the president of the senate and one senator shall
4 28 be appointed by the minority leader of the senate.

4 29 (2) Two members of the house of representatives. One
4 30 member shall be appointed by the speaker of the house of
4 31 representatives and one member shall be appointed by the
4 32 minority leader of the house of representatives.

4 33 3. DISSOLUTION. The task force shall complete its duties
4 34 no later than January 1, 2010, but may complete its duties and
4 35 dissolve itself prior to that date.



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6 1 2010.

6 2 The bill appropriates \$140,000 to the department of
6 3 workforce development for administering the task force.

6 4 LSB 6536YC 82

6 5 tw/nh/24



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House Study Bill 764

HOUSE FILE
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES BILL
BY CHAIRPERSON BELL)

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

A BILL FOR

1 An Act relating to natural resources, including by providing for
2 the powers and duties of the department's director and natural
3 resources commission, and the regulation of public lands and
4 outdoor recreation, providing for penalties and making
5 penalties applicable, and providing for fees.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 6563HC 82
8 da/sc/14



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1 1 DIVISION I
1 2 COUNTY RESOURCE ENHANCEMENT COMMITTEE
1 3 Section 1. Section 455A.20, subsection 1, paragraphs a and
1 4 b, Code 2007, are amended to read as follows:
1 5 a. The chairpersons of the board of supervisors, county
1 6 conservation board, commissioners of the soil and water
1 7 district, and board of directors of each school district in
1 8 the county. A chairperson may appoint a ~~member of the~~
~~1 9 chairperson's board or commission as the chairperson's~~
1 10 designee to serve on the committee. The chairperson or
1 11 designee of a school district shall be a member of the county
1 12 committee of the county in which a majority or the largest
1 13 plurality of the district's students reside.
1 14 b. The mayor or the mayor's designee of each city in a
1 15 county. ~~The mayor's designee shall be a member of the city~~
~~1 16 council.~~ If a city is located in more than one county, the
1 17 membership shall be on the county committee of the county in
1 18 which the largest population of the city resides.
1 19 DIVISION II
1 20 RESIDENCY REQUIREMENTS FOR REGISTRATIONS AND LICENSES
1 21 Sec. 2. Section 321G.1, Code Supplement 2007, is amended
1 22 by adding the following new subsections:
1 23 NEW SUBSECTION. 11A. "Nonresident" means the same as
1 24 defined in section 483A.1A.
1 25 NEW SUBSECTION. 17A. "Resident" means the same as defined
1 26 in section 483A.1A.
1 27 Sec. 3. Section 321I.1, subsection 14, Code Supplement
1 28 2007, is amended to read as follows:
1 29 14. "Nonresident" means ~~a person who is not a resident of~~
~~1 30 this state~~ the same as defined in section 483A.1A.
1 31 Sec. 4. Section 321I.1, subsection 23, Code Supplement
1 32 2007, is amended to read as follows:
1 33 23. "Resident" means ~~a person who meets the requirements~~
~~1 34 for residency described~~ the same as defined in section 321.1A
1 35 483A.1A.



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2 1 Sec. 5. Section 483A.1A, Code 2007, is amended by adding
2 2 the following new subsection:

2 3 NEW SUBSECTION. 6A. "Nonresident" means a person who is
2 4 not a resident.

2 5 Sec. 6. Section 483A.1A, subsection 7, Code 2007, is
2 6 amended to read as follows:

2 7 7. "Resident" means a natural person who meets any of the
2 8 following criteria for each calendar year in which the person
2 9 claims status as a resident:

2 10 a. Has physically resided in this state at least thirty as
2 11 the person's principal and primary home or domicile for a
2 12 period of not less than one hundred eighty consecutive days
2 13 immediately before applying for or purchasing a resident
2 14 license, tag, or permit under this chapter and has been issued
2 15 an Iowa driver's license or an Iowa nonoperator's
2 16 identification card. For the purposes of this paragraph,
2 17 "principal and primary home or domicile" means the one and
2 18 only residence where a person has a true, fixed, and permanent
2 19 home, and to where, whenever the person is briefly and
2 20 temporarily absent, the person intends to return, according to
2 21 factors provided in section 483A.1B. A person is not
2 22 considered a resident for purposes of this paragraph if the
2 23 person is residing in the state only for a special or
2 24 temporary purpose, including but not limited to hunting,
2 25 fishing, or trapping.

2 26 b. (1) Is a full-time student at ~~an~~ any of the following:

2 27 (a) An educational institution located in this state ~~and~~
2 28 ~~resides if residing~~ in this state while attending the
2 29 educational institution.

2 30 (b) An accredited educational institution located outside
2 31 this state, if the person is under the age of twenty-five and
2 32 has at least one parent or legal guardian who maintains that
2 33 person's principal and primary home or domicile in this state.

2 34 (2) A student qualifies as a resident pursuant to this
2 35 paragraph "b" only for the purpose of purchasing any resident



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3 1 license specified in section 483A.1 or 484A.2.
3 2 c. Is a nonresident under eighteen years of age whose
3 3 parent is a resident of this state.
3 4 d. Is a member of the armed forces of the United States
3 5 who is serving on active duty, claims residency in this state,
3 6 and has filed a state individual income tax return as a
3 7 resident pursuant to chapter 422, division II, for the
3 8 preceding tax year, or is stationed in this state.
3 9 ~~e. Is registered to vote in this state.~~
3 10 Sec. 7. NEW SECTION. 483A.1B FACTORS USED TO DETERMINE A
3 11 PERSON'S PRINCIPAL AND PRIMARY HOME OR DOMICILE.
3 12 1. The department shall determine whether a person
3 13 maintains a principal and primary home or domicile in this
3 14 state based on factors determined relevant by the department,
3 15 including but not limited to all of the following:
3 16 a. The person's place of employment.
3 17 b. The person's mailing address.
3 18 c. Whether the person's name is listed on utility records
3 19 for the claimed principal and primary home or domicile.
3 20 d. Whether the person's name appears on the title to land
3 21 in this state including the claimed principal and primary home
3 22 or domicile.
3 23 e. The address listed on the person's individual state and
3 24 federal income tax returns.
3 25 2. A person claiming to maintain a principal and primary
3 26 home or domicile in this state shall submit all documentation
3 27 required to establish that fact to the department or a person
3 28 designated by the department. The department or a person
3 29 designated by the department shall keep information contained
3 30 in the document confidential to the same extent that it would
3 31 otherwise be confidential by state or federal law.
3 32 DIVISION III
3 33 RIDING AREAS AND TRAILS FOR ALL-TERRAIN VEHICLES
3 34 Sec. 8. Section 321I.2, Code 2007, is amended by adding
3 35 the following new subsection:



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4 1 NEW SUBSECTION. 9. The operation or maintenance of
4 2 designated riding areas and designated riding trails.

4 3 Sec. 9. NEW SECTION. 321I.15A CIVIL PENALTY AND
4 4 RESTITUTION.

4 5 Upon conviction for a violation of section 321I.14,
4 6 subsection 1, paragraph "e", "f", or "g", the defendant, in
4 7 addition to any other penalty including the criminal penalty
4 8 provided in section 321I.15, shall be subject to civil
4 9 remedies as follows:

4 10 1. a. The court shall assess the defendant a civil
4 11 penalty of two hundred and fifty dollars. The civil penalty
4 12 shall be deposited in the special all-terrain vehicle fund
4 13 provided in section 321I.8.

4 14 b. The court may order the defendant to pay restitution to
4 15 the titleholder of land for damages caused by the defendant's
4 16 violation, to the extent that the titleholder consents to
4 17 joining the action, and the titleholder's damages are
4 18 established at trial. If the titleholder is the state, the
4 19 amount of restitution ordered to be paid by the court shall be
4 20 deposited in the special all-terrain vehicle fund provided in
4 21 section 321I.8. If the titleholder is a governmental entity
4 22 other than the state, the moneys shall be paid to the
4 23 governmental entity for deposit in any fund or account from
4 24 which moneys are used for the maintenance, repair, or
4 25 improvement of the land where the damage occurred.

4 26 2. The attorney general or a county attorney who
4 27 prosecutes a criminal penalty for the violation shall execute
4 28 the judgment, in cooperation with the commission, as any other
4 29 civil judgment.

4 30 DIVISION IV

4 31 CONSTRUCTION ON STATE=OWNED OR STATE=MANAGED LAND OR WATERS

4 32 Sec. 10. Section 461A.4, Code 2007, is amended to read as
4 33 follows:

4 34 461A.4 CONSTRUCTION ~~PERMIT -- RULES --~~ OF STRUCTURES AND
4 35 OPERATION OF COMMERCIAL CONCESSIONS.



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5 1 1. a. A person, ~~association, or corporation~~ shall not
5 2 ~~build or erect any~~ construct a structure including but not
5 3 limited to a pier, wharf, sluice, piling, wall, fence,
5 4 obstruction, erection, or building, or erection of any kind
5 5 upon or over any state-owned or state-managed land or water
5 6 under the jurisdiction of the commission, without first
5 7 obtaining from the commission a written permit. A permit, in
5 8 matters relating to or in any manner affecting flood control,
5 9 shall not be issued without approval of the environmental
5 10 protection commission of the department. A person shall not
5 11 construct or maintain or erect any a structure beyond the line
5 12 of private ownership along or upon the shores of state-owned
5 13 or state-managed waters in a manner to obstruct the passage of
5 14 pedestrians along the shore between the ordinary high-water
5 15 mark and the water's edge, except by permission of the
5 16 commission.
5 17 b. It shall be the duty of the The commission ~~to shall~~
5 18 adopt and enforce rules governing and regulating the building
~~5 19 or erection construction of any such pier, wharf, sluice,~~
~~5 20 piling, wall, fence, obstruction, building or erection of any~~
~~5 21 kind, and said a structure as provided in this subsection.~~
5 22 The commission may prohibit, or restrict its construction, or
5 23 order the removal thereof owner to remove the structure, when
5 24 in the judgment of said commission determines that it will be
~~5 25 for is in the best interest of the public. The commission~~
5 26 shall comply with the provisions of chapter 17A when issuing
5 27 an order under this section.
5 28 ~~Any person, firm, association, or corporation violating any~~
~~5 29 of the provisions of this section or any rule adopted by the~~
~~5 30 commission under the authority of this section shall be guilty~~
~~5 31 of a simple misdemeanor.~~
5 32 2. A person, ~~association, or corporation~~ shall not operate
5 33 a commercial concession in a park, forest, fish and wildlife
5 34 area, or recreation area under the jurisdiction of the
5 35 department without first entering into a written contract with



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6 1 the department. The contract shall state the consideration
6 2 and other terms under which the concession may be operated.
6 3 The department may cancel or, in an emergency, suspend a
6 4 concession contract for the protection of the public health,
6 5 safety, morals, or welfare.

6 6 Sec. 11. NEW SECTION. 461A.5A INJUNCTIVE RELIEF.

6 7 If it appears to the department that a person is violating
6 8 or about to violate a provision of section 461A.4 or refuses
6 9 to comply with an order issued by the commission pursuant to
6 10 section 461A.4, the department may refer the matter to the
6 11 attorney general, who may bring an action in the district
6 12 court in any county of the state for an injunction to restrain
6 13 the person from committing the violation. Upon a proper
6 14 showing, the court may order a permanent or temporary
6 15 injunction. The state shall not be required to post a bond.

6 16 Sec. 12. NEW SECTION. 461A.5B PENALTIES.

6 17 1. Except as provided in subsection 2, a person who
6 18 violates a provision of section 461A.4 or of a departmental
6 19 rule or refuses to comply with an order issued by the
6 20 commission pursuant to section 461A.4 is guilty of a simple
6 21 misdemeanor.

6 22 2. The state may proceed against a person who violates a
6 23 provision of section 461A.4 or refuses to comply with an order
6 24 issued by the commission pursuant to section 461A.4 by
6 25 initiating an alternative civil enforcement action in lieu of
6 26 a criminal prosecution. The amount of the civil penalty shall
6 27 not exceed five thousand dollars. Each day of a violation
6 28 shall be considered a separate offense. The alternative civil
6 29 enforcement action may be brought against the person as a
6 30 contested case proceeding by the department under chapter 17A
6 31 if the amount of the civil penalty is not more than ten
6 32 thousand dollars or as a civil judicial proceeding by the
6 33 attorney general upon referral by the department. In a
6 34 contested case proceeding, the department may impose, assess,
6 35 and collect the civil penalty.



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7 1 Sec. 13. Section 461A.6, Code 2007, is amended to read as
7 2 follows:

7 3 461A.6 COSTS == LIEN.

7 4 The cost of ~~such removal~~ removing a structure as provided
7 5 in section 461A.4 shall be paid by the its owner of said pier,
~~7 6 wharf, sluice, piling, wall, fence, obstruction, erection or~~
~~7 7 building,~~ and the state shall have a lien upon the property
7 8 ~~removed for such costs~~ for the cost of removal. ~~Said~~ The
7 9 costs shall be payable at the time of removal and such lien
7 10 may be enforced and foreclosed, as provided for the
7 11 foreclosure of security interests in uniform commercial code,
7 12 chapter 554, article 9, part 6.

7 13 Sec. 14. Section 461A.5, Code 2007, is repealed.

7 14 DIVISION V

7 15 DRIVING OVER ICE

7 16 Sec. 15. Section 462A.33, Code 2007, is amended to read as
7 17 follows:

7 18 462A.33 DRIVING OVER ICE.

7 19 1. A person operating a craft or vehicle ~~operating~~
7 20 propelled by sail or by machinery in whole or in part shall
7 21 not operate the craft or vehicle on the surface of ice on the
7 22 lakes and streams of this state including but not limited to
7 23 boundary streams and lakes and propelled by sail or by
~~7 24 machinery in whole or in part, except~~ unless the commission
7 25 issues the person a permit.

7 26 2. Subsection 1 does not apply to automobiles, motorcycles
7 27 and, or trucks registered under chapter 321; ~~or~~ snowmobiles
7 28 registered under chapter 321G; or all-terrain vehicles,
7 29 off-road motorcycles, or off-road utility vehicles registered
7 30 under 321I, when they any of those vehicles are used without
7 31 endangering public safety, shall not be operated without a
~~7 32 permit issued by the commission for the operation. A permit~~
~~7 33 may be revoked by the commission if the craft or vehicle is~~
~~7 34 operated in a careless manner which endangers others.~~

7 35 3. Except when authorized by a permit for a special event,



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8 1 persons shall not operate automobiles, motorcycles, and trucks
 8 2 when used, all-terrain vehicles, off-road motorcycles, or
 8 3 off-road utility vehicles on the ice of waters under the
 8 4 jurisdiction of the commission shall not exceed fifteen miles
 8 5 per hour and shall be operated in a at a rate of speed greater
 8 6 than is reasonable and prudent manner or proper under all
 8 7 existing circumstances.

8 8 4. A permit issued by the commission pursuant to this
 8 9 section may be suspended or revoked by the commission if a
 8 10 craft or vehicle is operated in a careless manner which
 8 11 endangers others.

DIVISION VI

REPORTING HUNTING INCIDENTS

8 14 Sec. 16. Section 481A.18, Code 2007, is amended to read as
 8 15 follows:

8 16 481A.18 HUNTING ~~ACCIDENTS~~ INCIDENTS == MANDATORY
 8 17 REPORTING.

8 18 A This section applies to a person who is involved in a
 8 19 hunting ~~accident~~ incident with a firearm and the accident or a
 8 20 fall from a device that allows or assists a person to hunt
 8 21 from an elevated location, if the hunting incident results in
 8 22 an injury to a person, or property damage exceeding one
 8 23 hundred dollars. The person shall report the ~~accident~~
 8 24 hunting incident to the sheriff's office in the county where
 8 25 the ~~accident~~ hunting incident occurred or to the department
 8 26 within twelve hours after the ~~accident~~ hunting incident
 8 27 occurred. ~~If~~ However, if an injury is caused by the ~~accident~~
 8 28 hunting incident prevents timely reporting, the person shall
 8 29 make the report shall be made as soon as practicable. ~~Failure~~
 8 30 A person who fails to report the hunting incident as required
 8 31 in this section is guilty of a simple misdemeanor.

DIVISION VII

RECIPROCITY

8 34 Sec. 17. Section 481A.19, Code 2007, is amended to read as
 8 35 follows:



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9 1 481A.19 RECIPROCITY OF STATES.

9 2 1. a. Any person licensed by the ~~authorities~~ authority of
9 3 Illinois, Minnesota, Missouri, Wisconsin, Nebraska, ~~and~~ or
9 4 South Dakota to take fish, game, mussels, or fur-bearing
9 5 animals from or in the waters forming the boundary between
9 6 such ~~states~~ state and Iowa, may take ~~them~~ such fish, game,
9 7 mussels, or fur-bearing animals from that portion of said
9 8 waters lying within the territorial jurisdiction of this
9 9 state, without having procured a license ~~therefor~~ for it from
9 10 the director of this state, in the same manner that persons
9 11 holding Iowa licenses may do, if the laws of Illinois,
9 12 Minnesota, Missouri, Wisconsin, Nebraska, or South Dakota,
9 13 respectively, extend a similar privilege to persons so
9 14 licensed under the laws of Iowa.

9 15 b. Any person licensed by the authority of Illinois,
9 16 Minnesota, Missouri, Wisconsin, Nebraska, or South Dakota to
9 17 take fish, game, mussels, or fur-bearing animals from or in
9 18 lands under the jurisdiction of any of those states may take
9 19 such fish, game, mussels, or fur-bearing animals from or in
9 20 lands under the jurisdiction of the commission when such land
9 21 is wholly surrounded by that respective state, without having
9 22 procured a license from the director of this state, in the
9 23 same manner that persons holding Iowa licenses may do, if the
9 24 laws of Illinois, Minnesota, Missouri, Wisconsin, Nebraska, or
9 25 South Dakota, respectively, extend a similar privilege to
9 26 persons so licensed under the laws of Iowa.

9 27 2. Any privileges conferred by this section shall be
9 28 subject to a reciprocal agreement as negotiated by the
9 29 commission and the authority of a state provided in subsection
9 30 1 which confers upon a licensee of this state reciprocal
9 31 rights, privileges, and immunities as provided in section
9 32 483A.31.

9 33 Sec. 18. Section 483A.31, Code 2007, is amended to read as
9 34 follows:

9 35 483A.31 RECIPROCAL ~~FISHING~~ PRIVILEGES AUTHORIZED.



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10 1 1. Reciprocal fishing, hunting, or trapping privileges are
10 2 contingent upon a grant of similar privileges by another state
10 3 to residents of this state.

10 4 2. The commission may negotiate fishing, hunting, or
10 5 trapping reciprocity agreements with other states.

10 6 3. When another state confers upon fishing, hunting, or
10 7 trapping licensees of this state reciprocal rights,
10 8 privileges, and immunities, a fishing, hunting, or trapping
10 9 license issued by that state entitles the licensee to all
10 10 rights, privileges, and immunities in the public waters or
10 11 public lands of this state enjoyed by the holders of
10 12 equivalent licenses issued by this state, subject to duties,
10 13 responsibilities, and liabilities imposed on its own licensees
10 14 by the laws of this state.

DIVISION VIII

SPECIAL HUNTING AND FISHING LICENSES

10 17 Sec. 19. Section 483A.24, subsection 13, Code Supplement
10 18 2007, is amended to read as follows:

10 19 13. Upon payment of the fee of five dollars for a lifetime
10 20 fishing license or lifetime hunting and fishing combined
10 21 license, the department shall issue a lifetime fishing license
10 22 or lifetime hunting and fishing combined license to a resident
10 23 of Iowa who ~~is a veteran, as defined in section 35.1, or has~~
10 24 ~~served in the armed forces of the United States for a minimum~~
10 25 ~~aggregate of ninety days of~~ on active federal service and who
10 26 was disabled or was a prisoner of war during that veteran's
10 27 military service. The department shall prepare an application
10 28 to be used by a person requesting a lifetime fishing license
10 29 or lifetime hunting and fishing combined license under this
10 30 subsection. The department of veterans affairs shall assist
10 31 the department in verifying the status or claims of applicants
10 32 under this subsection. As used in this subsection, "disabled"
10 33 means entitled to ~~compensation~~ a service connected rating
10 34 under the United States Code, Title 38, ch. 11.

DIVISION IX



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11 1 HUNTER EDUCATION TRAINING
11 2 Sec. 20. Section 483A.27, subsections 1, 3, 6, and 11,
11 3 Code Supplement 2007, are amended to read as follows:
11 4 1. A person born after January 1, 1972, shall not obtain a
11 5 hunting license unless the person has satisfactorily completed
11 6 a hunter safety and ethics education course approved by the
11 7 commission. A person who is eleven years of age or more may
11 8 enroll in an approved hunter safety and ethics education
11 9 course, but a person who is eleven years of age and who has
11 10 successfully completed the course shall be issued a
11 11 certificate of completion which becomes valid on the person's
11 12 twelfth birthday. A certificate of completion from an
11 13 approved hunter safety and ethics education course issued in
11 14 this state ~~since 1960~~, or a certificate issued by another
11 15 state, ~~or by a foreign nation, country, or province that meets~~
11 16 the standards adopted by the international hunter education
11 17 association is valid for the requirements of this section.
11 18 3. The department shall provide a manual ~~on~~ regarding
11 19 hunter safety and ethics education which shall be used by all
11 20 instructors and persons receiving hunter safety and ethics
11 21 education training in this state. The department may produce
11 22 the manual in a print or electronic format accessible from a
11 23 computer, including from a data storage device or the
11 24 department's internet site.
11 25 6. A public or private school accredited pursuant to
11 26 section 256.11 or an organization approved by the department
11 27 may ~~co-operate~~ cooperate with the department in providing a
11 28 course in hunter safety and ethics education or shooting
11 29 sports activities as provided in this section.
11 30 11. ~~A hunter safety and ethics~~ An instructor certified by
11 31 the department shall be allowed to conduct ~~an~~ departmental
11 32 approved hunter safety and ethics education course or shooting
11 33 sports activities course on public school property with the
11 34 approval of a majority of the board of directors of the school
11 35 district. ~~The conduct of~~ Conducting an approved hunter safety



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12 1 and ethics education course or shooting sports activities
12 2 course is not a violation of any public policy, rule,
12 3 regulation, resolution, or ordinance which prohibits the
12 4 possession, display, or use of a firearm, bow and arrow, or
12 5 other hunting weapon on public school property or other public
12 6 property in this state.

12 7 Sec. 21. Section 483A.27, Code Supplement 2007, is amended
12 8 by adding the following new subsection:

12 9 NEW SUBSECTION. 2A. The commission may establish, assess,
12 10 and collect a fee which shall be imposed upon a person
12 11 attending a hunter safety and ethics education course. The
12 12 department shall establish the amount of the fee based on the
12 13 actual cost of providing the instruction. The fees collected
12 14 under this subsection shall be deposited into the fish and
12 15 game protection fund created in section 456A.17.

12 16

DIVISION X

12 17

USE OF LASER SIGHTS BY BLIND HUNTERS

12 18 Sec. 22. Section 481A.93, subsection 2, Code 2007, is
12 19 amended to read as follows:

12 20 2. This section does not apply to ~~deer~~ any of the
12 21 following:

12 22 a. Deer being taken by or under the control of a local
12 23 governmental body within its corporate limits pursuant to an
12 24 approved special deer population control plan.

12 25 b. A person who is totally blind using a laser sight on a
12 26 bow or gun while hunting, if all of the following apply:

12 27 (1) The person's total blindness is supported by medical
12 28 evidence produced by an eye care professional who is an
12 29 ophthalmologist, optometrist, or medical doctor. The eye care
12 30 professional must certify that the person has no vision or
12 31 light perception in either eye. The certification must be
12 32 carried on the person of the totally blind person and made
12 33 available for inspection by the department.

12 34 (2) The totally blind person is accompanied and aided by a
12 35 person who is at least eighteen years of age and whose vision



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13 1 is not seriously impaired. The accompanying person must have
13 2 a hunting license and pay the wildlife habitat fee as provided
13 3 in section 483A.1 if applicable. During the hunt, the
13 4 accompanying adult must be within arm's reach of the totally
13 5 blind person, and must be able to identify the target and the
13 6 location of the laser sight beam on the target. A person
13 7 other than the totally blind person shall not shoot the laser
13 8 sight-equipped gun or bow.

13 9

DIVISION XI

13 10

TRESPASSING WHILE HUNTING

13 11 Sec. 23. Section 716.8, subsection 5, Code Supplement
13 12 2007, is amended to read as follows:

13 13 5. A person who commits a trespass ~~as defined in section~~
13 14 ~~716.7, subsection 2, paragraph "a", and takes a while hunting~~
13 15 deer, other than a farm deer as defined in section 170.1 or
13 16 preserve whitetail as defined in section 484C.1, commits a
13 17 simple misdemeanor. The person shall also be subject to civil
13 18 penalties as provided in sections 481A.130 and 481A.131. A
13 19 deer taken by a person while committing such a trespass shall
13 20 be subject to seizure as provided in section 481A.12.

13 21

DIVISION XII

13 22

CITATION IN LIEU OF ARREST

13 23 Sec. 24. Section 805.8B, subsection 5, Code Supplement
13 24 2007, is amended to read as follows:

13 25 5. AQUATIC INVASIVE SPECIES VIOLATIONS. For violations of
13 26 section 456A.37, subsection 5, the scheduled fine is ~~one~~ five
13 27 hundred dollars.

13 28

DIVISION XIII

13 29

CODE CORRECTIONS

13 30 Sec. 25. Section 99F.1, subsection 12, Code Supplement
13 31 2007, is amended to read as follows:

13 32 12. "Gambling structure" means any man-made stationary
13 33 structure approved by the commission that does not include a
13 34 racetrack enclosure which is subject to land-based building
13 35 codes rather than maritime or ~~Iowa~~ department of natural



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14 1 resources inspection laws and regulations on which lawful
14 2 gambling is authorized and licensed as provided in this
14 3 chapter.
14 4 Sec. 26. Section 354.22, unnumbered paragraph 1, Code
14 5 2007, is amended to read as follows:
14 6 The proprietors of lots within an official plat who wish to
14 7 vacate any portion of the official plat shall file a petition
14 8 for vacation with the governing body which would have
14 9 jurisdiction to approve the plat at the time the petition is
14 10 filed. After the petition has been filed, the governing body
14 11 shall fix the time and place for public hearing on the
14 12 petition. Written notice of the proposed vacation shall be
14 13 served in the manner of original notices as provided in Iowa
14 14 rules of civil procedure and be served upon proprietors and
14 15 mortgagees within the official plat that are within three
14 16 hundred feet of the area to be vacated. If a portion of the
14 17 official plat adjoins a river or state-owned lake, the ~~Iowa~~
14 18 department of natural resources shall be served written notice
14 19 of the proposed vacation. Notice of the proposed vacation
14 20 shall be published twice, with fourteen days between
14 21 publications, stating the date, time, and place of the
14 22 hearing.
14 23 Sec. 27. Section 455G.2, subsection 12, Code 2007, is
14 24 amended to read as follows:
14 25 12. "Insurance" includes any form of financial assistance
14 26 or showing of financial responsibility sufficient to comply
14 27 with the federal Resource Conservation and Recovery Act or the
14 28 ~~Iowa~~ department of natural resources' underground storage tank
14 29 financial responsibility rules.
14 30 Sec. 28. Section 483A.24, subsection 15, Code Supplement
14 31 2007, is amended to read as follows:
14 32 15. The department may issue a permit, subject to
14 33 conditions established by the department, which authorizes a
14 34 student sixteen years of age or older attending an Iowa public
14 35 or accredited nonpublic school who is participating in the



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15 1 Iowa department of natural resources fish Iowa! basic
15 2 spincasting module to fish without a license as part of a
15 3 supervised school outing.

15 4 EXPLANATION

15 5 This bill amends a number of provisions relating to natural
15 6 resources regulated by the department of natural resources,
15 7 and specifically provisions under the jurisdiction of the
15 8 natural resource commission, which provide for public land and
15 9 outdoor recreation.

15 10 DIVISION I == COUNTY RESOURCE ENHANCEMENT COMMITTEE. The
15 11 bill amends provisions in Code section 455A.20 which provides
15 12 for persons serving on a county resource enhancement
15 13 committee, including the chairpersons of the board of
15 14 supervisors, county conservation board, commissioners of the
15 15 soil and water district, and board of directors of each school
15 16 district in the county. The bill eliminates a requirement
15 17 that a designee appointed by a chairperson must be a member of
15 18 their respective board or commission. The bill also amends a
15 19 provision that provides that a mayor of a city in the county
15 20 or a mayor's designee must serve on the committee, by
15 21 eliminating a requirement that the designee must be a member
15 22 of the city council.

15 23 DIVISION II == RESIDENCY REQUIREMENTS FOR REGISTRATIONS AND
15 24 LICENSES. The bill provides a common method for determining
15 25 residency requirements for registering snowmobiles (Code
15 26 chapter 321G), all-terrain vehicles (Code chapter 321I), and
15 27 licensing including hunting and fishing licenses (Code chapter
15 28 483A). The bill provides that a person who claims status as a
15 29 resident must meet one of the specified criteria for each year
15 30 that residency is claimed. The bill does not change the
15 31 requirement that a full-time student who attends an
15 32 educational institution in this state is a resident, but
15 33 provides that the educational institution must be accredited.
15 34 The bill also extends the provision to a student attending an
15 35 educational institution outside this state so long as the



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16 1 student is under 25 years old and the student's parent or
16 2 legal guardian maintains the person's principal and primary
16 3 home or domicile in the state. The bill eliminates a
16 4 requirement that provides that voter registration is proof of
16 5 residency. One of the criteria for residency is modified to
16 6 require a person to physically reside in the state as the
16 7 person's principal and primary home or domicile for a period
16 8 of not less than 180 consecutive days immediately prior to
16 9 applying for or purchasing a resident license, tag, or permit
16 10 and have an Iowa driver's license or Iowa nonoperator's
16 11 identification card. The bill defines what constitutes a
16 12 "principal and primary home or domicile" for purposes of the
16 13 bill.

16 14 The bill requires the department to determine whether a
16 15 person maintains a primary home or domicile in this state
16 16 based on a number of factors which may include the person's
16 17 place of employment or domicile address on records. The
16 18 department may require the person to provide evidence of the
16 19 person's permanent residence.

16 20 DIVISION III == ALL=TERRAIN VEHICLES. The bill amends Code
16 21 section 321I.2 by providing that the department may adopt
16 22 rules regarding the operation or maintenance of designated
16 23 riding trails. The bill provides that a person is subject to
16 24 civil remedies for criminal prohibitions involving operating
16 25 an all-terrain vehicle in a manner that damages growing stock
16 26 at a tree nursery, on public land in violation of official
16 27 signs, or in a park, wildlife area, preserve, refuge, game
16 28 management area, or stream beds. The bill provides that on
16 29 conviction for such a violation a court shall assess the
16 30 defendant a civil penalty of \$250 to be deposited in the
16 31 special all-terrain vehicle fund established in Code section
16 32 321I.8, and that the court may order the defendant to pay
16 33 restitution to the titleholder of land for damages caused by
16 34 the defendant's violation, including to the state or other
16 35 government entity.



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17 1 DIVISION IV == CONSTRUCTION ON STATE=OWNED OR STATE=MANAGED
17 2 LAND OR WATERS. The bill amends Code section 461A.4
17 3 authorizing the department to regulate the construction of
17 4 structures (piers, wharfs, sluices, pilings, walls, fences, or
17 5 buildings) upon or over any state-owned land. The bill makes
17 6 stylistic changes to the provisions, provides that the
17 7 department's authority extends to state-managed land or
17 8 waters, and provides for the issuance of orders to persons who
17 9 are in violation of the law.
17 10 The bill creates new Code sections 461A.5A and 461A.5B
17 11 providing the department with enforcement authority. It
17 12 authorizes the department to obtain injunctive relief against
17 13 a person who is in violation of Code section 461A.4 or refuses
17 14 to comply with an order issued by the department. The bill
17 15 rewrites but does not alter the criminal penalty for
17 16 committing a violation of the Code section, which is a simple
17 17 misdemeanor, and provides that the penalty applies to a person
17 18 who fails to comply with an order issued by the department
17 19 under that Code section. A simple misdemeanor is punishable
17 20 by confinement for no more than 30 days or a fine of at least
17 21 \$65 but not more than \$625 or by both. The bill provides that
17 22 the state may also proceed against the person by initiating an
17 23 alternative civil enforcement action in lieu of a criminal
17 24 prosecution. The amount of the civil penalty cannot exceed
17 25 \$5,000, and the bill provides for enforcement by the
17 26 department or the attorney general upon referral by the
17 27 department.
17 28 The bill eliminates Code section 461A.5 relating to the
17 29 removal of obstructions because it includes redundant
17 30 provisions and amends Code section 461A.6 referring to the
17 31 department's authority to enforce a lien against a structure
17 32 in a manner consistent with the other bill's provisions.
17 33 DIVISION V == DRIVING OVER ICE. The bill amends Code
17 34 section 462A.33 which requires that certain crafts or vehicles
17 35 cannot operate on ice over certain state waters without



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18 1 obtaining a permit from the department. The bill expands the
18 2 types of vehicles not requiring a permit to include
18 3 all-terrain vehicles, off-road motorcycles, and off-road
18 4 utility vehicles. The bill amends a provision that prohibits
18 5 vehicles from exceeding 15 miles per hour when traveling over
18 6 ice on the waters of the state without a special permit. The
18 7 bill replaces the speed limit with a requirement that the
18 8 vehicle cannot exceed a rate of speed that is reasonable and
18 9 proper.

18 10 DIVISION VI == REPORTING HUNTING INCIDENTS. The bill
18 11 amends Code section 481A.18 which requires persons who are
18 12 involved in an accident using a firearm while hunting to
18 13 report the accident to the county sheriff or the department,
18 14 if the accident caused injury or property damage of more than
18 15 \$100. The bill provides that a report is required for any
18 16 hunting incident involving a firearm or a device (such as
18 17 so-called tree stand) that allows or assists a person to hunt
18 18 from an elevated location. A person who fails to make such a
18 19 report is guilty of a simple misdemeanor. A simple
18 20 misdemeanor is punishable by confinement for no more than 30
18 21 days or a fine of at least \$65 but not more than \$625 or by
18 22 both.

18 23 DIVISION VII == RECIPROCITY. The bill amends Code section
18 24 481A.19 which provides for reciprocal agreements with
18 25 neighboring states to allow an Iowa resident to take fish,
18 26 game, mussels, or fur-bearing animals in boundary waters. The
18 27 bill provides a similar arrangement for a resident of a border
18 28 state to take fish, game, mussels, or fur-bearing animals on
18 29 land beyond the boundary of a boundary river, but which is
18 30 still subject to Iowa sovereignty (e.g., land which is on the
18 31 Nebraska side of the Missouri river but still considered Iowa
18 32 territory under the Iowa-Nebraska Boundary Compromise). The
18 33 bill amends provisions in 483A.31 which provides authority to
18 34 the commission to negotiate such agreements involving hunting
18 35 or trapping in addition to fishing.



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19 1 DIVISION VIII == SPECIAL HUNTING AND FISHING LICENSES. The
19 2 bill amends Code section 483.24 which provides for the
19 3 issuance of a lifetime fishing license or lifetime combined
19 4 hunting and fishing license to a resident of Iowa who is a
19 5 veteran and who was disabled or a prisoner of war. The bill
19 6 eliminates the reference to veteran status, a requirement that
19 7 the person must have served a minimum aggregate 90 days in
19 8 active service, or that the person must have been entitled to
19 9 compensation under federal law.

19 10 DIVISION IX == HUNTER TRAINING. The bill amends Code
19 11 section 483A.27 which requires that a person complete a hunter
19 12 safety and ethics education course before being issued a
19 13 hunting license. The bill provides that the certificate may
19 14 be issued by another state, or a country, or province that
19 15 meets the standards adopted by the international hunter
19 16 education association. The bill authorizes the department to
19 17 establish, assess, and collect a fee for conducting the
19 18 course. Moneys from the fees are deposited into the fish and
19 19 game protection fund. The bill also amends the Code section
19 20 to provide that the department may produce hunter safety and
19 21 ethics education courses in an electronic format.

19 22 DIVISION X == USE OF LASER SIGHTS BY BLIND HUNTERS. The
19 23 bill provides that a person who is totally blind may hunt
19 24 using a gun or bow equipped with a laser sight so long as the
19 25 person is accompanied by a sighted person. The person's
19 26 blindness must be certified by medical evidence.

19 27 DIVISION XI == TRESPASSING WHILE HUNTING. The bill amends
19 28 Code chapter 716 which prohibits trespass to property as
19 29 defined in Code section 716.7, presumably governing how that
19 30 term is used throughout the Code chapter. The bill amends
19 31 Code section 716.8 which provides that a person who commits
19 32 trespass and takes a deer owned by the state is subject to a
19 33 civil penalty. The bill eliminates the express reference to
19 34 the definition of trespass provided in Code section 716.7,
19 35 subsection 2, (entering upon or in property without the



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20 1 express permission of the owner, entering or remaining upon or
20 2 in property without justification after being notified or
20 3 requested to leave, entering on property to commit an unlawful
20 4 use, or entering on railway property without lawful
20 5 authority). The bill provides that a person who commits
20 6 trespass while hunting commits a simple misdemeanor regardless
20 7 of whether a deer is taken. A simple misdemeanor is
20 8 punishable by confinement for no more than 30 days or a fine
20 9 of at least \$65 but not more than \$625 or by both.
20 10 DIVISION XII == CITATION IN LIEU OF ARREST. The bill
20 11 amends Code section 805.8B which authorizes the department to
20 12 issue a citation for certain violations of law including for
20 13 the spreading of an aquatic invasive species (Eurasian water
20 14 milfoil), by increasing the scheduled fine from \$100 to \$500.
20 15 DIVISION XIII == CODE CORRECTIONS. The bill amends a
20 16 number of Code sections by correcting the name of the
20 17 department.
20 18 LSB 6563HC 82
20 19 da/sc/14



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House Study Bill 767

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

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to mortgage foreclosures.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 6526YC 82
- 4 rh/nh/8



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PAG LIN

1 1 Section 1. Section 615.1, Code 2007, is amended to read as
1 2 follows:
1 3 615.1 EXECUTION ON CERTAIN JUDGMENTS PROHIBITED.
1 4 1. After the expiration of a period of two years from
1 5 the date of entry of judgment, exclusive of any time during
1 6 which execution on the judgment was stayed pending a
1 7 bankruptcy action, a judgment entered in an action for either
1 8 of the following actions the foreclosure of a real estate
1 9 mortgage, deed of trust, or real estate contract upon property
1 10 which at the time of judgment is either used for an
1 11 agricultural purpose as defined in section 535.13 or a
1 12 one-family or two-family dwelling which is the residence of
1 13 the mortgagor, or in any action on a claim for rent shall be
1 14 null and void, all liens shall be extinguished, and no
1 15 execution shall be issued for any purpose other than as a
1 16 setoff or counterclaim after the expiration of a period of two
1 17 years, exclusive of any time during which execution on the
1 18 judgment was stayed pending a bankruptcy action, from the
1 19 entry thereof.:

1 20 a. An action for the foreclosure of a real estate
1 21 mortgage, deed of trust, or real estate contract upon property
1 22 which at the time the foreclosure is commenced is either used
1 23 for an agricultural purpose as defined in section 535.13 or as
1 24 a one-family or two-family dwelling which is the residence of
1 25 the mortgagor.

1 26 b. An action on a claim for rent.

1 27 2. As used in this section, "mortgagor" means a mortgagor
1 28 or a borrower executing a deed of trust as provided in chapter
1 29 654 or a vendee of a real estate contract.

1 30 Sec. 2. Section 615.3, Code 2007, is amended to read as
1 31 follows:
1 32 615.3 FUTURE JUDGMENTS WITHOUT FORECLOSURE.
1 33 A judgment hereafter rendered on a promissory obligation
1 34 secured by a mortgage, deed of trust, or real estate contract
1 35 upon property which at the time of either the judgment or the



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2 1 commencement of a foreclosure proceeding of a prior mortgage
2 2 is either used for an agricultural purpose as defined in
2 3 section 535.13 or a one-family or two-family dwelling which is
2 4 the residence of the mortgagor, but without foreclosure
2 5 against the security, shall not be subject to renewal by
2 6 action thereon, and, after the lapse of two years from the
2 7 date of rendition, shall be without force and effect for any
2 8 purpose whatsoever except as a setoff or counterclaim. As
2 9 used in this section, "mortgagor" means a mortgagor of a
2 10 mortgage or a borrower executing a deed of trust as provided
2 11 in chapter 654 or the vendee of a real estate contract.
2 12 Sec. 3. Section 654.17, Code Supplement 2007, is amended
2 13 to read as follows:
2 14 654.17 RECISION OF FORECLOSURE.
2 15 1. At any time prior to the recording of the sheriff's
2 16 deed, and before the mortgagee's rights become unenforceable
2 17 by operation of the statute of limitations, the judgment
2 18 creditor, or the judgment creditor who is the successful
2 19 bidder at the sheriff's sale, ~~with the written consent of the~~
~~2 20 mortgagor~~ may rescind the foreclosure action by filing a
2 21 notice of recision with the clerk of court in the county in
2 22 which the property is located along with a filing fee of fifty
2 23 dollars. In addition, if the original loan documents are
2 24 contained in the court file, the mortgagee shall pay a fee of
2 25 twenty-five dollars to the clerk of the district court. Upon
2 26 the payment of the fee, the clerk shall make copies of the
2 27 original loan documents for the court file, and return the
2 28 original loan documents to the mortgagee.
2 29 2. Upon the filing of the notice of recision, the mortgage
2 30 loan shall be enforceable according to the original terms of
2 31 the mortgage loan and the rights of all persons with an
2 32 interest in the property may be enforced as if the foreclosure
2 33 had not been filed. However, any findings of fact or law
2 34 shall be preclusive for purposes of any future action unless
2 35 the court, upon hearing, rules otherwise, and the mortgagee



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House Study Bill 767 continued

3 1 shall not be subject to a deficiency judgment if the judgment
3 2 upon which the recision was based was subject to the
3 3 provisions of section 615.1. The mortgagor shall be assessed
3 4 costs, including reasonable attorney fees, of foreclosure and
3 5 recision if provided by the mortgage agreement.

3 6 Sec. 4. Section 655A.9, Code 2007, is amended to read as
3 7 follows:

3 8 655A.9 APPLICATION OF CHAPTER.

3 9 This chapter does not apply to real estate used for an
3 10 agricultural purpose as defined in section 535.13, or to a one
3 11 or two family dwelling which is, at the time of the initiation
3 12 of the foreclosure, occupied by ~~an~~ a legal or equitable
3 13 titleholder.

3 14 EXPLANATION

3 15 This bill relates to mortgage foreclosures.

3 16 The bill specifies that, in regard to mortgage foreclosure
3 17 deficiency judgments, a judgment in an action for the
3 18 foreclosure of a real estate mortgage, deed of trust, or real
3 19 estate contract upon property which at the time the
3 20 foreclosure is commenced is either used for an agricultural
3 21 purpose or a one=family or two=family dwelling which is the
3 22 residence of the mortgagor, or in any action on a claim for
3 23 rent, shall be null and void, all liens shall be extinguished,
3 24 and no execution shall be issued for any purpose other than as
3 25 a setoff or counterclaim after the expiration of two years
3 26 from the date of entry of judgment.

3 27 The bill provides that a judgment entered on a promissory
3 28 obligation secured by a mortgage, deed of trust, or real
3 29 estate contract upon property which at the time of either the
3 30 judgment or the commencement of a foreclosure proceeding of a
3 31 prior mortgage is either used for an agricultural purpose as
3 32 defined in Code section 535.13 or a one=family or two=family
3 33 dwelling which is the residence of the mortgagor, but without
3 34 foreclosure against the security, shall not be subject to
3 35 renewal by action thereon, and, after the lapse of two years



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House Study Bill 767 continued

4 1 from the date of rescision, shall be without force and effect
4 2 for any purpose whatsoever except as a setoff or counterclaim.
4 3 The bill eliminates the requirement that written consent of
4 4 a mortgagor must be obtained prior to utilizing the rescision
4 5 procedure in a foreclosure action pursuant to Code section
4 6 654.17. The bill also provides that in a rescision of
4 7 foreclosure proceeding, the mortgagee shall not be subject to
4 8 a deficiency judgment if the judgment upon which the rescision
4 9 was based was subject to the provisions of Code section 615.1.
4 10 The bill specifies that the nonjudicial foreclosure process
4 11 specified in Code chapter 655A does not apply to a situation
4 12 where a one=family or two=family dwelling is occupied by
4 13 either a legal or equitable titleholder.
4 14 LSB 6526YC 82
4 15 rh/nh/8



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House Study Bill 768

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

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to issuance of a treasurer's deed after
- 2 expiration of the period of redemption and providing an
- 3 effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 6570HC 82
- 6 sc/nh/5



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House Study Bill 768 continued

PAG LIN

1 1 Section 1. Section 448.3, Code 2007, is amended by adding
1 2 the following new unnumbered paragraph:
1 3 NEW UNNUMBERED PARAGRAPH. In the event that an owner of
1 4 record or a person in whose name the parcel is taxed
1 5 establishes that such person was not served with notice of
1 6 expiration of right of redemption in accordance with section
1 7 447.9, then the county treasurer's deed is void, subject to
1 8 the provisions of sections 448.15 and 448.16. If a person
1 9 entitled to service of notice under section 447.9; other than
1 10 an owner of record or a person in whose name the parcel is
1 11 taxed, establishes that such person was not served with notice
1 12 in accordance with section 447.9, the deed is not thereby
1 13 rendered invalid. However, the deed is subject to all of the
1 14 right and interest of such person not served with notice, as
1 15 provided in sections 448.15 and 448.16.

1 16 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 17 immediate importance, takes effect upon enactment and applies
1 18 to treasurer's deeds issued on or after that date.

1 19 EXPLANATION

1 20 This bill provides that a treasurer's deed issued after
1 21 expiration of the period of redemption is void if it is
1 22 established that notice of expiration of right of redemption
1 23 was not served on the owner of record or the person in whose
1 24 name the parcel is taxed if other than the owner of record.
1 25 The bill further provides that the deed is not invalid solely
1 26 because notice was not provided to a person with an interest
1 27 in the parcel conveyed by tax deed or a person who is in
1 28 possession of the parcel and such persons were entitled to
1 29 notice of expiration of right of redemption. However, the
1 30 deed remains subject to challenge under other statutory
1 31 provisions.

1 32 LSB 6570HC 82

1 33 sc/nh/5



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House Study Bill 770

PAG LIN

1 1 HOUSE CONCURRENT RESOLUTION NO.
1 2 BY (PROPOSED COMMITTEE ON AGRICULTURE
1 3 RESOLUTION BY CHAIRPERSON MERTZ)
1 4 A Concurrent Resolution urging the United States
1 5 Environmental Protection Agency to take all actions
1 6 necessary to provide American consumers with the
1 7 opportunity to use higher ethanol blended gasoline
1 8 for general use in conventional engines.
1 9 WHEREAS, the State of Iowa is the leading producer of corn
1 10 in the United States, with over 2.5 billion bushels harvested
1 11 in 2007, the largest harvested crop in the history of Iowa;
1 12 and
1 13 WHEREAS, the State of Iowa is the leading producer of
1 14 ethanol in the United States, with nearly 2 billion gallons
1 15 produced in 2007, the largest annual ethanol supply produced
1 16 in the history of Iowa; and
1 17 WHEREAS, from 1991 it has been the policy of the State of
1 18 Iowa, as codified in Iowa Code chapter 159A, to encourage the
1 19 development and use of fuels and coproducts derived from
1 20 agricultural commodities in order to increase the production
1 21 and consumption of renewable sources of energy, to reduce
1 22 dependency upon petroleum products, and to reduce atmospheric
1 23 contamination from the combustion of fossil fuels; and
1 24 WHEREAS, studies funded or supported by the Energy
1 25 Foundation, National Science Foundation, and Renewable Fuels
1 26 Association, as well as a literature review commissioned by
1 27 the Governor's Ethanol Coalition, all confirm that ethanol is
1 28 an environmentally sound alternative to fossil fuels; and
1 29 WHEREAS, a recent study cosponsored by the United States
1 30 Department of Energy and the American Coalition for Ethanol,
1 31 and conducted by the University of North Dakota Energy and
1 32 Environmental Research Center, and the Minnesota Center for
1 33 Automotive Research, provides evidence that fuel mileage
1 34 increases and motor fuel emissions decrease when motor
1 35 vehicles operate using increased volumes of ethanol blended



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House Study Bill 770 continued

2 1 with gasoline; and
2 2 WHEREAS, the Minnesota Department of Agriculture is leading
2 3 an effort to establish the scientific basis required by the
2 4 United States Environmental Protection Agency to provide a
2 5 waiver of relevant standards promulgated by the agency under
2 6 the federal Clean Air Act, including but not limited to 42
2 7 U.S.C. } 7545 and 40 C.F.R. pt. 80 for the sale of gasoline
2 8 containing a higher than 10 percent volume of ethanol for
2 9 general use in gasoline-powered engines; NOW THEREFORE,
2 10 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE
2 11 CONCURRING, That the Iowa General Assembly urges the United
2 12 States Environmental Protection Agency to actively support all
2 13 research and development needed to make higher ethanol blended
2 14 gasoline, such as E=15, E=20, or E=30, immediately available
2 15 to American consumers; and
2 16 BE IT FURTHER RESOLVED, That the Iowa General Assembly
2 17 urges the United States Environmental Protection Agency to
2 18 immediately commission and complete all studies needed to
2 19 determine issues regarding health, the environment, and engine
2 20 performance using higher ethanol blended gasoline; and
2 21 BE IT FURTHER RESOLVED, That the Iowa General Assembly
2 22 urges the United States Environmental Protection Agency to
2 23 immediately review and approve an application to be submitted
2 24 by the State of Minnesota and the Renewable Fuels Association
2 25 for a waiver to allow consumers to immediately use higher
2 26 ethanol blended gasoline for general use in conventional
2 27 engines; and
2 28 BE IT FURTHER RESOLVED, That a suitable copy of this
2 29 Resolution be sent to the President of the United States, and
2 30 the Administrator of the United States Environmental
2 31 Protection Agency; and
2 32 BE IT FURTHER RESOLVED, That suitable copies of this
2 33 Resolution be sent to the President of the United States
2 34 Senate; the Speaker of the United States House of
2 35 Representatives; the Chairperson of the United States Senate



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House Study Bill 770 continued

3 1 Committee on Agriculture, Nutrition and Forestry; the
3 2 Chairperson of the United States House of Representatives
3 3 Committee on Agriculture; the Secretary of the United States
3 4 Department of Agriculture; and the members of Iowa's
3 5 congressional delegation; and
3 6 BE IT FURTHER RESOLVED, That a suitable copy of this
3 7 Resolution be sent to the Governor of the State of Minnesota.
3 8 LSB 6188HC 82
3 9 da/rj/5



Iowa General Assembly
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House Study Bill 771

HOUSE FILE
BY (PROPOSED COMMITTEE ON
LABOR BILL BY CHAIRPERSON
OLSON)

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

Passed Senate, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the choice of doctor to treat an injured
2 employee under workers' compensation laws and providing an
3 applicability date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6539YC 82
6 av/nh/5



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House Study Bill 771 continued

PAG LIN

1 1 Section 1. Section 85.27, subsection 4, Code Supplement
1 2 2007, is amended to read as follows:
1 3 4. a. (1) For purposes of this section, the employer is
1 4 obliged to furnish reasonable services and supplies to treat
1 5 an injured employee, and has the right to choose the care
1 6 unless the employee has predesignated a physician as provided
1 7 in paragraph "b". If the employer chooses the care, the
1 8 employer shall hold the employee harmless for the cost of care
1 9 until the employer notifies the employee that the employer is
1 10 no longer authorizing all or any part of the care and the
1 11 reason for the change in authorization. An employer is not
1 12 liable for the cost of care that the employer arranges in
1 13 response to a sudden emergency if the employee's condition,
1 14 for which care was arranged, is not related to the employment.
1 15 The treatment must be offered promptly and be reasonably
1 16 suited to treat the injury without undue inconvenience to the
1 17 employee.
1 18 (2) If the employee has reason to be dissatisfied with the
1 19 care offered, the employee should communicate the basis of
1 20 such dissatisfaction to the employer, in writing if requested,
1 21 following which the employer and the employee may agree to
1 22 alternate care reasonably suited to treat the injury. If the
1 23 employer and employee cannot agree on such alternate care, the
1 24 commissioner may, upon application and reasonable ~~proofs~~ proof
1 25 of the necessity therefor, allow and order other care. In an
1 26 emergency, the employee may choose the employee's care at the
1 27 employer's expense, provided the employer or the employer's
1 28 agent cannot be reached immediately.
1 29 (3) An application made under this ~~subsection~~ paragraph
1 30 "a" shall be considered an original proceeding for purposes of
1 31 commencement and contested case proceedings under section
1 32 85.26. The hearing shall be conducted pursuant to chapter
1 33 17A. Before a hearing is scheduled, the parties may choose a
1 34 telephone hearing, an audio=video conference hearing, or an
1 35 in=person hearing. A request for an in=person hearing shall



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House Study Bill 771 continued

2 1 be approved unless the in-person hearing would be impractical
2 2 because of the distance between the parties to the hearing.
2 3 The workers' compensation commissioner shall issue a decision
2 4 within ten working days of receipt of an application for
2 5 alternate care made pursuant to a telephone hearing or
2 6 audio=video conference hearing or within fourteen working days
2 7 of receipt of an application for alternate care made pursuant
2 8 to an in-person hearing. The employer shall notify an injured
2 9 employee of the employee's ability to contest the employer's
2 10 choice of care pursuant to this ~~subsection~~ paragraph "a".

2 11 b. (1) An injured employee has the right to choose care
2 12 if the employee has predesignated a physician who is a primary
2 13 care provider, from whom the employee has previously received
2 14 treatment for a nonoccupational injury, illness, or
2 15 examination, to provide treatment for the injury. Upon hire
2 16 and periodically during employment an employer shall provide
2 17 written notice to all employees of their rights under this
2 18 paragraph "b" to predesignate such a physician for treatment
2 19 of an injury, in a manner prescribed by the workers'
2 20 compensation commissioner by rule. The employer or the
2 21 employer's insurer shall not make suggestions or otherwise
2 22 attempt to influence an injured employee's choice of a
2 23 physician to provide care. An employee shall, as soon as
2 24 practicable, notify the employer of an injury, and upon
2 25 receiving such notice of an injury from an employee, the
2 26 employer shall again provide written notice to that employee
2 27 of the employee's rights under this paragraph "b" in a manner
2 28 prescribed by the workers' compensation commissioner by rule.
2 29 If an employer fails to notify employees of their right to
2 30 choose a physician as provided in this paragraph "b", the
2 31 employee has the right to choose any physician to provide
2 32 treatment for the injury and the treatment shall be considered
2 33 care authorized under this section.

2 34 (2) For the purposes of this paragraph "b", "physician"
2 35 includes an individual physician, a group of physicians, or a



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House Study Bill 771 continued

3 1 clinic. For the purposes of this paragraph "b", "primary care
3 2 provider" means a physician who provides primary care who is a
3 3 family or general practitioner, a pediatrician, an internist,
3 4 an obstetrician, or a gynecologist. A physician chosen by an
3 5 injured employee to provide treatment is authorized to arrange
3 6 for any consultation, surgical consultation, referral,
3 7 emergency care, or other specialized medical services as the
3 8 physician deems necessary to treat the injury. The employer
3 9 shall pay for all such care, unless the workers' compensation
3 10 commissioner determines otherwise.

3 11 (3) If the employer has reason to be dissatisfied with the
3 12 care chosen by the employee, the employer should communicate
3 13 the basis of such dissatisfaction to the employee, in writing
3 14 if requested, following which the employee and the employer
3 15 may agree to alternate care reasonably suited to treat the
3 16 injury. If the employee and employer cannot agree on such
3 17 alternate care, the commissioner may, upon application and
3 18 reasonable proof of the necessity therefor, allow and order
3 19 other care.

3 20 (4) An application made under this paragraph "b" shall be
3 21 considered an original proceeding for purposes of commencement
3 22 and contested case proceedings under section 85.26. The
3 23 hearing shall be conducted pursuant to chapter 17A. Before a
3 24 hearing is scheduled, the parties may choose a telephone
3 25 hearing, an audio=video conference hearing, or an in=person
3 26 hearing. A request for an in=person hearing shall be approved
3 27 unless the in=person hearing would be impractical because of
3 28 the distance between the parties to the hearing. The workers'
3 29 compensation commissioner shall issue a decision within ten
3 30 working days of receipt of an application for alternate care
3 31 made pursuant to a telephone hearing or audio=video conference
3 32 hearing or within fourteen working days of receipt of an
3 33 application for alternate care made pursuant to an in=person
3 34 hearing.

3 35 Sec. 2. Section 85.39, Code 2007, is amended to read as



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4 1 follows:

4 2 85.39 EXAMINATION OF INJURED EMPLOYEES.

4 3 1. a. After an injury, the employee, if requested by the
4 4 employer, shall submit for examination at some reasonable time
4 5 and place and as often as reasonably requested, to a physician
4 6 or physicians authorized to practice under the laws of this
4 7 state or another state, without cost to the employee; but if
4 8 the employee requests, the employee, at the employee's own
4 9 cost, is entitled to have a physician or physicians of the
4 10 employee's own selection present to participate in the
4 11 examination. If an employee is required to leave work for
4 12 which the employee is being paid wages to attend the requested
4 13 examination, the employee shall be compensated at the
4 14 employee's regular rate for the time the employee is required
4 15 to leave work, and the employee shall be furnished
4 16 transportation to and from the place of examination, or the
4 17 employer may elect to pay the employee the reasonable cost of
4 18 the transportation. The refusal of the employee to submit to
4 19 the examination shall suspend the employee's right to any
4 20 compensation for the period of the refusal. Compensation
4 21 shall not be payable for the period of suspension.

4 22 b. If an evaluation of permanent disability has been made
4 23 by a physician retained by the employer and the employee
4 24 believes this evaluation to be too low, the employee shall,
4 25 upon application to the commissioner and upon delivery of a
4 26 copy of the application to the employer and its insurance
4 27 carrier, be reimbursed by the employer the reasonable fee for
4 28 a subsequent examination by a physician of the employee's own
4 29 choice, and reasonably necessary transportation expenses
4 30 incurred for the examination. The physician chosen by the
4 31 employee has the right to confer with and obtain from the
4 32 employer-retained physician sufficient history of the injury
4 33 to make a proper examination.

4 34 2. If the employee has chosen a physician to provide care
4 35 as provided in section 85.27, subsection 4, paragraph "b",



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House Study Bill 771 continued

5 1 when it is medically indicated that no significant improvement
5 2 from an injury is anticipated, the employee may obtain a
5 3 medical opinion from the employee's physician, at the
5 4 employer's expense, regarding the extent of the employee's
5 5 permanent disability. If the employee obtains such an
5 6 evaluation and the employer believes this evaluation of
5 7 permanent disability to be too high, the employer may arrange
5 8 for a medical examination of the injured employee by a
5 9 physician of the employer's choice for the purpose of
5 10 obtaining a medical opinion regarding the extent of the
5 11 employee's permanent disability. If an employee is required
5 12 to leave work for which the employee is being paid wages to
5 13 attend an examination under this subsection, the employee
5 14 shall be compensated at the employee's regular rate for the
5 15 time the employee is required to leave work, and the employee
5 16 shall be furnished transportation to and from the place of
5 17 examination, or the employer may elect to pay the employee the
5 18 reasonable cost of transportation. The physician chosen by
5 19 the employer to conduct the examination has the right to
5 20 confer with and obtain from any physician who has treated the
5 21 injured employee sufficient history of the injury to make a
5 22 proper examination. The refusal by the employee to submit to
5 23 the examination shall suspend the employee's right to any
5 24 compensation for the period of the refusal. Compensation
5 25 shall not be payable for the period of suspension.

5 26 Sec. 3. APPLICABILITY DATE. This Act applies to injuries
5 27 occurring on or after January 1, 2009.

5 28 EXPLANATION

5 29 This bill relates to the choice of a physician to treat an
5 30 injured employee under the state's workers' compensation laws.
5 31 The bill allows the employer to choose care unless the
5 32 employee has predesignated a physician as provided in the
5 33 bill.

5 34 The bill gives an employee the right to predesignate a
5 35 physician who is a primary care provider, from whom the



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House Study Bill 771 continued

6 1 employee has previously received treatment for a
6 2 nonoccupational injury, illness, or examination, to provide
6 3 treatment for a work-related injury. The employer is required
6 4 to provide written notice to employees of this right upon
6 5 hire, periodically during employment, and upon receiving
6 6 notice of an injury from an employee, in a manner prescribed
6 7 by the workers' compensation commissioner.

6 8 If the employer fails to provide such notification, an
6 9 injured employee has the right to choose any physician to
6 10 provide treatment for the work-related injury and that
6 11 treatment shall be considered authorized care.

6 12 If the employer or employee is dissatisfied with the care
6 13 chosen by the other party, the dissatisfied party is required
6 14 to communicate the basis of dissatisfaction to the other party
6 15 in writing and the parties may agree to alternate care
6 16 reasonably suited to treat the injury. If the parties cannot
6 17 agree to such alternate care, the dissatisfied party may make
6 18 an application for alternate care to the commissioner.

6 19 An application for alternate care is an original proceeding
6 20 and is treated as a contested case. A party may request that
6 21 the hearing be held in person, by telephone, or by audio-video
6 22 conference. The commissioner is required to issue a decision
6 23 within 10 working days of receipt of an application made
6 24 pursuant to a telephone hearing or audio-video conference
6 25 hearing and within 14 days of an in-person hearing.

6 26 Code section 85.39 is amended to provide that if the
6 27 employee has chosen care, when it is medically indicated that
6 28 no significant improvement from an injury is anticipated, the
6 29 employee may obtain a medical opinion regarding the extent of
6 30 the employee's permanent disability. If the employer believes
6 31 that the evaluation of permanent disability obtained by the
6 32 employee is too high, the employer has the right to obtain
6 33 another medical opinion from a physician of the employer's
6 34 choosing.

6 35 The bill applies to injuries occurring on or after January



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House Study Bill 771 continued

- 7 1 1, 2009.
- 7 2 LSB 6539YC 82
- 7 3 av/nh/5.2



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Senate Amendment 5043

PAG LIN

1 1 Amend House File 2309, as passed by the House, as
1 2 follows:
1 3 #1. Page 6, by striking lines 5 through 16.
1 4 #2. By striking page 7, line 19, through page 9,
1 5 line 11.
1 6 #3. Title page, by striking lines 3 and 4 and
1 7 inserting the following: <program benefits, the
1 8 reporting of>.
1 9 #4. Title page, by striking line 8 and inserting
1 10 the following: <unit, the>.
1 11 #5. By renumbering as necessary.
1 12
1 13
1 14
1 15 KEITH A. KREIMAN
1 16 HF 2309.503 82
1 17 pf/nh/10903
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Senate Amendment 5044

PAG LIN

1 1 Amend Senate File 2281 as follows:
1 2 #1. Page 1, by striking line 8 and inserting the
1 3 following: <civil proceeding pursuant to chapter
1 4 236.>
1 5
1 6
1 7
1 8 ROBERT M. HOGG
1 9 SF 2281.701 82
1 10 ak/rj/20479
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Senate File 2290 - Introduced

SENATE FILE
BY BEALL and OLIVE

(COMPANION TO LSB 6350HH
BY UPMEYER)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the authority of certain licensed physicians,
2 licensed psychiatrists, psychiatric advanced registered nurse
3 practitioners, and physician assistants regarding the
4 evaluation and treatment of certain persons including chronic
5 substance abusers and persons with mental illness, and making
6 a penalty applicable.

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

8 TLSB 6350SS 82

9 rh/rj/5



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Senate File 2290 - Introduced continued

PAG LIN

1 1 Section 1. Section 125.2, subsection 4, Code 2007, is
1 2 amended by striking the subsection.

1 3 Sec. 2. Section 125.2, Code 2007, is amended by adding the
1 4 following new subsections:

1 5 NEW SUBSECTION. 13A. "Licensed physician" means an
1 6 individual licensed under the provisions of chapter 148, 150,
1 7 or 150A to practice medicine and surgery, osteopathy, or
1 8 osteopathic medicine and surgery.

1 9 NEW SUBSECTION. 13B. "Licensed psychiatrist" means an
1 10 individual licensed under the provisions of chapter 148, 150,
1 11 or 150A to practice medicine and surgery, osteopathy, or
1 12 osteopathic medicine and surgery with a specialty in the field
1 13 of psychiatry.

1 14 NEW SUBSECTION. 13C. "Psychiatric advanced registered
1 15 nurse practitioner" means an individual licensed as a
1 16 registered nurse under chapter 152 or 152E who holds a
1 17 national certification in psychiatric health care and who is
1 18 registered with the board of nursing as an advanced registered
1 19 nurse practitioner.

1 20 Sec. 3. Section 125.38, subsection 3, Code 2007, is
1 21 amended to read as follows:

1 22 3. The patient shall be provided an opportunity to receive
1 23 prompt evaluation, emergency services and care as indicated by
1 24 sound medical practice and treatment which, in the judgment of
1 25 the ~~chief medical officer~~ licensed physician, licensed
1 26 psychiatrist, or psychiatric advanced registered nurse
1 27 practitioner of a facility, is most likely to result in the
1 28 individual's recovery or in the mitigation of the individual's
1 29 condition to an extent sufficient to permit the individual's
1 30 discharge from the facility.

1 31 Sec. 4. Section 125.81, subsection 2, Code 2007, is
1 32 amended to read as follows:

1 33 2. In a suitable hospital, the ~~chief medical officer of~~
~~1 34 which~~ licensed physician, licensed psychiatrist, or
1 35 psychiatric advanced registered nurse practitioner of which



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Senate File 2290 - Introduced continued

2 1 shall be informed of the reasons why immediate custody has
2 2 been ordered. The hospital may provide treatment which is
2 3 necessary to preserve the respondent's life, or to
2 4 appropriately control the respondent's behavior which is
2 5 likely to result in physical injury to the person or to others
2 6 if allowed to continue, and other treatment as deemed
2 7 appropriate by the ~~chief medical officer~~ licensed physician,
2 8 licensed psychiatrist, or psychiatric advanced registered
2 9 nurse practitioner.

2 10 Sec. 5. Section 125.83, Code 2007, is amended to read as
2 11 follows:

2 12 125.83 PLACEMENT FOR EVALUATION.

2 13 If upon completion of the commitment hearing, the court
2 14 finds that the contention that the respondent is a chronic
2 15 substance abuser has been sustained by clear and convincing
2 16 evidence, the court shall order the respondent placed at a
2 17 facility or under the care of a suitable facility on an
2 18 outpatient basis as expeditiously as possible for a complete
2 19 evaluation and appropriate treatment. The court shall furnish
2 20 to the facility at the time of admission or outpatient
2 21 placement, a written statement of facts setting forth the
2 22 evidence on which the finding is based. The administrator of
2 23 the facility shall report to the court no more than fifteen
2 24 days after the individual is admitted to or placed under the
2 25 care of the facility, which shall include the ~~chief medical~~
2 26 ~~officer's~~ recommendation of the licensed physician, licensed
2 27 psychiatrist, or psychiatric advanced registered nurse
2 28 practitioner of the facility concerning substance abuse
2 29 treatment. An extension of time may be granted for a period
2 30 not to exceed seven days upon a showing of good cause. A copy
2 31 of the report shall be sent to the respondent's attorney who
2 32 may contest the need for an extension of time if one is
2 33 requested. If the request is contested, the court shall make
2 34 an inquiry as it deems appropriate and may either order the
2 35 respondent released from the facility or grant extension of



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3 1 time for further evaluation. If the administrator fails to
3 2 report to the court within fifteen days after the individual
3 3 is admitted to the facility, and no extension of time has been
3 4 requested, the administrator is guilty of contempt and shall
3 5 be punished under chapter 665. The court shall order a
3 6 rehearing on the application to determine whether the
3 7 respondent should continue to be held at the facility.

3 8 Sec. 6. Section 125.83A, subsections 1 and 2, Code 2007,
3 9 are amended to read as follows:

3 10 1. If upon completion of the commitment hearing, the court
3 11 finds that the contention that the respondent is a chronic
3 12 substance abuser has been sustained by clear and convincing
3 13 evidence, and the court is furnished evidence that the
3 14 respondent is eligible for care and treatment in a facility
3 15 operated by the veterans administration or another agency of
3 16 the United States government and that the facility is willing
3 17 to receive the respondent, the court may so order. The
3 18 respondent, when so placed in a facility operated by the
3 19 veterans administration or another agency of the United States
3 20 government within or outside of this state, shall be subject
3 21 to the rules of the veterans administration or other agency,
3 22 but shall not lose any procedural rights afforded the
3 23 respondent by this chapter. The chief officer of the facility
3 24 shall have, with respect to the respondent so placed, the same
3 25 powers and duties as the ~~chief medical officer~~ licensed
3 26 physician, licensed psychiatrist, or psychiatric advanced
3 27 registered nurse practitioner of a hospital in this state
3 28 would have in regard to submission of reports to the court,
3 29 retention of custody, transfer, convalescent leave, or
3 30 discharge. Jurisdiction is retained in the court to maintain
3 31 surveillance of the respondent's treatment and care, and at
3 32 any time to inquire into the respondent's condition and the
3 33 need for continued care and custody.

3 34 2. Upon receipt of a certificate stating that a respondent
3 35 placed under this chapter is eligible for care and treatment



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4 1 in a facility operated by the veterans administration or
4 2 another agency of the United States government which is
4 3 willing to receive the respondent without charge to the state
4 4 of Iowa or any county in the state, the ~~chief medical officer~~
4 5 licensed physician, licensed psychiatrist, or psychiatric
4 6 advanced registered nurse practitioner may transfer the
4 7 respondent to that facility. Upon so doing, the ~~chief medical~~
4 8 ~~officer~~ licensed physician, licensed psychiatrist, or
4 9 psychiatric advanced registered nurse practitioner shall
4 10 notify the court which ordered the respondent's placement in
4 11 the same manner as would be required in the case of a transfer
4 12 under section 125.86, subsection 2, and the respondent
4 13 transferred shall be entitled to the same rights as the
4 14 respondent would have under that subsection. No respondent
4 15 shall be transferred under this section who is confined
4 16 pursuant to conviction of a public offense or whose placement
4 17 was ordered upon contention of incompetence to stand trial by
4 18 reason of mental illness, without prior approval of the court
4 19 which ordered that respondent's placement.
4 20 Sec. 7. Section 125.84, unnumbered paragraph 1, Code 2007,
4 21 is amended to read as follows:
4 22 The ~~facility administrator's~~ report to the court of the
4 23 ~~chief medical officer's~~ respondent's substance abuse
4 24 evaluation of the respondent prepared by the licensed
4 25 physician, licensed psychiatrist, or psychiatric advanced
4 26 registered nurse practitioner of the facility shall be made no
4 27 later than the expiration of the time specified in section
4 28 125.83. At least two copies of the report shall be filed with
4 29 the clerk, who shall distribute the copies in the manner
4 30 described by section 125.80, subsection 2. The report shall
4 31 state one of the four following alternative findings:
4 32 Sec. 8. Section 125.84, subsections 3 and 4, Code 2007,
4 33 are amended to read as follows:
4 34 3. That the respondent is a chronic substance abuser who
4 35 is in need of treatment, but does not require full-time



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5 1 placement in a facility. If the report so states, the report
5 2 shall include the ~~chief medical officer's~~ recommendation of
5 3 the licensed physician, licensed psychiatrist, or psychiatric
5 4 advanced registered nurse practitioner for treatment of the
5 5 respondent on an outpatient or other appropriate basis, and
5 6 the court shall enter an order which may direct the respondent
5 7 to submit to the recommended treatment. The order shall
5 8 provide that if the respondent fails or refuses to submit to
5 9 treatment, as directed by the court's order, the court may
5 10 order that the respondent be taken into immediate custody as
5 11 provided by section 125.81 and, following notice and hearing
5 12 held in accordance with the procedures of sections 125.77 and
5 13 125.82, may order the respondent treated as a patient
5 14 requiring full-time custody, care, and treatment as provided
5 15 in subsection 2, and may order the respondent involuntarily
5 16 committed to a facility.

5 17 4. That the respondent is a chronic substance abuser who
5 18 is in need of treatment, but in the opinion of the ~~chief~~
5 19 ~~medical officer~~ licensed physician, licensed psychiatrist, or
5 20 psychiatric advanced registered nurse practitioner is not
5 21 responding to the treatment provided. If the report so
5 22 states, the report shall include the facility administrator's
5 23 recommendation for alternative placement, and the court shall
5 24 enter an order which may direct the respondent's transfer to
5 25 the recommended placement or to another placement after
5 26 consultation with respondent's attorney and the facility
5 27 administrator who made the report under this subsection.

5 28 Sec. 9. Section 125.86, Code 2007, is amended to read as
5 29 follows:

5 30 125.86 PERIODIC REPORTS REQUIRED.

5 31 1. No more than thirty days after entry of a court order
5 32 for commitment to a facility under section 125.84, subsection
5 33 2, and thereafter at successive intervals not to exceed ninety
5 34 days for as long as involuntary commitment of the respondent
5 35 continues, the administrator of the facility shall report to



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6 1 the court which entered the order. The report shall be
6 2 submitted in the manner required by section 125.84, shall
6 3 state whether in the opinion of the ~~chief medical officer~~
6 4 licensed physician, licensed psychiatrist, or psychiatric
6 5 advanced registered nurse practitioner of the facility the
6 6 respondent's condition has improved, remains unchanged, or has
6 7 deteriorated, and shall indicate the further length of time
6 8 the respondent will be required to remain at the facility.
6 9 2. No more than sixty days after entry of a court order
6 10 for treatment of a respondent under section 125.84, subsection
6 11 3, and thereafter at successive intervals not to exceed ninety
6 12 days for as long as involuntary treatment continues, the
6 13 administrator of the facility shall report to the court which
6 14 entered the order. The report shall be submitted in the
6 15 manner required by section 125.84, shall state whether in the
6 16 opinion of the ~~chief medical officer~~ licensed physician,
6 17 licensed psychiatrist, or psychiatric advanced registered
6 18 nurse practitioner of the facility the respondent's condition
6 19 has improved, remains unchanged, or has deteriorated, and
6 20 shall indicate the further length of time the respondent will
6 21 require treatment by the facility. If the respondent fails or
6 22 refuses to submit to treatment as ordered by the court, the
6 23 administrator of the facility shall at once notify the court,
6 24 which shall order the respondent committed for treatment as
6 25 provided by section 125.84, subsection 3, unless the court
6 26 finds that the failure or refusal was with good cause, and
6 27 that the respondent is willing to receive treatment as
6 28 provided in the court's order, or in a revised order if the
6 29 court sees fit to enter one. If the administrator of the
6 30 facility reports to the court that the respondent requires
6 31 full-time custody, care, and treatment in a facility, and the
6 32 respondent is willing to be admitted voluntarily to the
6 33 facility for these purposes, the court may enter an order
6 34 approving the placement upon consultation with the
6 35 administrator of the facility in which the respondent is to be



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7 1 placed. If the respondent is unwilling to be admitted
7 2 voluntarily to the facility, the procedure for determining
7 3 involuntary commitment, as provided in section 125.84,
7 4 subsection 3, shall be followed.
7 5 Sec. 10. Section 125.91, subsection 2, paragraph b, Code
7 6 2007, is amended to read as follows:
7 7 b. If the magistrate orders that the person be detained,
7 8 the magistrate shall, by the close of business on the next
7 9 working day, file a written order with the clerk in the county
7 10 where it is anticipated that an application may be filed under
7 11 section 125.75. The order may be filed by facsimile if
7 12 necessary. The order shall state the circumstances under
7 13 which the person was taken into custody or otherwise brought
7 14 to a facility and the grounds supporting the finding of
7 15 probable cause to believe that the person is a chronic
7 16 substance abuser likely to result in physical injury to the
7 17 person or others if not detained. The order shall confirm the
7 18 oral order authorizing the person's detention including any
7 19 order given to transport the person to an appropriate
7 20 facility. The clerk shall provide a copy of that order to the
7 21 ~~chief medical officer~~ licensed physician, licensed
7 22 psychiatrist, or psychiatric advanced registered nurse
7 23 practitioner of the facility to which the person was
7 24 originally taken, any subsequent facility to which the person
7 25 was transported, and to any law enforcement department or
7 26 ambulance service that transported the person pursuant to the
7 27 magistrate's order.
7 28 Sec. 11. Section 125.91, subsection 3, Code 2007, is
7 29 amended to read as follows:
7 30 3. The ~~chief medical officer~~ licensed physician, licensed
7 31 psychiatrist, or psychiatric advanced registered nurse
7 32 practitioner of the facility shall examine and may detain the
7 33 person pursuant to the magistrate's order for a period not to
7 34 exceed forty-eight hours from the time the order is dated,
7 35 excluding Saturdays, Sundays, and holidays, unless the order



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8 1 is dismissed by a magistrate. The facility may provide
8 2 treatment which is necessary to preserve the person's life or
8 3 to appropriately control the person's behavior if the behavior
8 4 is likely to result in physical injury to the person or others
8 5 if allowed to continue or is otherwise deemed medically
8 6 necessary by the ~~chief medical officer~~ licensed physician,
8 7 licensed psychiatrist, or psychiatric advanced registered
8 8 nurse practitioner, but shall not otherwise provide treatment
8 9 to the person without the person's consent. The person shall
8 10 be discharged from the facility and released from detention no
8 11 later than the expiration of the forty-eight-hour period,
8 12 unless an application for involuntary commitment is filed with
8 13 the clerk pursuant to section 125.75. The detention of a
8 14 person by the procedure in this section, and not in excess of
8 15 the period of time prescribed by this section, shall not
8 16 render the peace officer, physician, or facility detaining the
8 17 person liable in a criminal or civil action for false arrest
8 18 or false imprisonment if the peace officer, physician, or
8 19 facility had reasonable grounds to believe that the
8 20 circumstances described in subsection 1 were applicable.

8 21 Sec. 12. Section 125.92, subsection 2, Code 2007, is
8 22 amended to read as follows:

8 23 2. Render informed consent, except for treatment provided
8 24 pursuant to sections 125.81 and 125.91. If the person is
8 25 incompetent treatment may be consented to by the person's next
8 26 of kin or guardian notwithstanding the person's refusal. If
8 27 the person refuses treatment which in the opinion of the ~~chief~~
8 28 ~~medical officer~~ licensed physician, licensed psychiatrist, or
8 29 psychiatric advanced registered nurse practitioner of the
8 30 facility is necessary or if the person is incompetent and the
8 31 next of kin or guardian refuses to consent to the treatment or
8 32 no next of kin or guardian is available the facility may
8 33 petition a court of appropriate jurisdiction for approval to
8 34 treat the person.

8 35 Sec. 13. Section 225C.2, Code 2007, is amended by adding



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9 1 the following new subsections:

9 2 NEW SUBSECTION. 7A. "Licensed physician" means an
9 3 individual licensed under the provisions of chapter 148, 150,
9 4 or 150A to practice medicine and surgery, osteopathy, or
9 5 osteopathic medicine and surgery.

9 6 NEW SUBSECTION. 7B. "Licensed psychiatrist" means an
9 7 individual licensed under the provisions of chapter 148, 150,
9 8 or 150A to practice medicine and surgery, osteopathy, or
9 9 osteopathic medicine and surgery with a specialty in the field
9 10 of psychiatry.

9 11 NEW SUBSECTION. 9. "Psychiatric advanced registered nurse
9 12 practitioner" means an individual currently licensed as a
9 13 registered nurse under chapter 152 or 152E who holds a
9 14 national certification in psychiatric health care and who is
9 15 registered with the board of nursing as an advanced registered
9 16 nurse practitioner.

9 17 Sec. 14. Section 225C.14, subsection 2, Code 2007, is
9 18 amended to read as follows:

9 19 2. As used in this section and sections 225C.15, 225C.16
9 20 and 225C.17, the term "medical emergency" means a situation in
9 21 which a prospective patient is received at a state mental
9 22 health institute in a condition which, in the opinion of the
9 23 ~~chief medical officer, or that officer's physician designee~~
9 24 licensed physician, licensed psychiatrist, or psychiatric
9 25 advanced registered nurse practitioner, requires the immediate
9 26 admission of the person notwithstanding the policy stated in
9 27 subsection 1.

9 28 Sec. 15. Section 225C.16, subsections 1, 2, and 4, Code
9 29 2007, are amended to read as follows:

9 30 1. The ~~chief medical officer~~ licensed physician, licensed
9 31 psychiatrist, or psychiatric advanced registered nurse
9 32 practitioner of a state mental health institute, or that
9 33 ~~officer's physician designee~~, shall advise a person residing
9 34 in that county who applies for voluntary admission, or a
9 35 person applying for the voluntary admission of another person



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10 1 who resides in that county, in accordance with section 229.41,
10 2 that the board of supervisors has implemented the policy
10 3 stated in section 225C.14, and shall advise that a preliminary
10 4 diagnostic evaluation of the prospective patient be sought, if
10 5 that has not already been done. This subsection does not
10 6 apply when voluntary admission is sought in accordance with
10 7 section 229.41 under circumstances which, in the opinion of
10 8 the ~~chief medical officer or that officer's physician designee~~
10 9 licensed physician, licensed psychiatrist, or psychiatric
10 10 advanced registered nurse practitioner, constitute a medical
10 11 emergency.

10 12 2. The clerk of the district court in that county shall
10 13 refer a person applying for authorization for voluntary
10 14 admission, or for authorization for voluntary admission of
10 15 another person, in accordance with section 229.42, to the
10 16 appropriate entity designated through the central point of
10 17 coordination process under section 225C.14 for the preliminary
10 18 diagnostic evaluation unless the applicant furnishes a written
10 19 statement from the appropriate entity which indicates that the
10 20 evaluation has been performed and that the person's admission
10 21 to a state mental health institute is appropriate. This
10 22 subsection does not apply when authorization for voluntary
10 23 admission is sought under circumstances which, in the opinion
10 24 of the ~~chief medical officer or that officer's physician~~
10 25 ~~designee~~ licensed physician, licensed psychiatrist, or
10 26 psychiatric advanced registered nurse practitioner, constitute
10 27 a medical emergency.

10 28 4. The ~~chief medical officer~~ licensed physician, licensed
10 29 psychiatrist, or psychiatric advanced registered nurse
10 30 practitioner of a state mental health institute shall promptly
10 31 submit to the appropriate entity designated through the
10 32 central point of coordination process under section 225C.14 a
10 33 report of the voluntary admission of a patient under the
10 34 medical emergency clauses of subsections 1 and 2. The report
10 35 shall explain the nature of the emergency which necessitated



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11 1 the admission of the patient without a preliminary diagnostic
11 2 evaluation by the designated entity.

11 3 Sec. 16. Section 227.10, Code 2007, is amended to read as
11 4 follows:

11 5 227.10 TRANSFERS FROM COUNTY OR PRIVATE INSTITUTIONS.

11 6 Patients who have been admitted at public expense to any
11 7 institution to which this chapter is applicable may be
11 8 involuntarily transferred to the proper state hospital for
11 9 persons with mental illness in the manner prescribed by
11 10 sections 229.6 to 229.13. The application required by section
11 11 229.6 may be filed by the administrator of the division or the
11 12 administrator's designee, or by the administrator of the
11 13 institution where the patient is then being maintained or
11 14 treated. If the patient was admitted to that institution
11 15 involuntarily, the administrator of the division may arrange
11 16 and complete the transfer, and shall report it as required of
11 17 ~~a chief medical officer~~ the licensed physician, licensed
11 18 psychiatrist, or psychiatric advanced registered nurse
11 19 practitioner under section 229.15, subsection 4. The transfer
11 20 shall be made at county expense, and the expense recovered, as
11 21 provided in section 227.7. However, transfer under this
11 22 section of a patient whose expenses are payable in whole or in
11 23 part by a county is subject to an authorization for the
11 24 transfer through the central point of coordination process.

11 25 Sec. 17. Section 227.11, Code 2007, is amended to read as
11 26 follows:

11 27 227.11 TRANSFERS FROM STATE HOSPITALS.

11 28 A county chargeable with the expense of a patient in a
11 29 state hospital for persons with mental illness shall transfer
11 30 the patient to a county or private institution for persons
11 31 with mental illness that is in compliance with the applicable
11 32 rules when the administrator of the division or the
11 33 administrator's designee orders the transfer on a finding that
11 34 the patient is suffering from chronic mental illness or from
11 35 senility and will receive equal benefit by being so



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12 1 transferred. A county shall transfer to its county care
12 2 facility any patient in a state hospital for persons with
12 3 mental illness upon request of the superintendent of the state
12 4 hospital in which the patient is confined pursuant to the
12 5 superintendent's authority under section 229.15, subsection 4,
12 6 and approval by the board of supervisors of the county of the
12 7 patient's residence. In no case shall a patient be thus
12 8 transferred except upon compliance with section 229.14A or
12 9 without the written consent of a relative, friend, or guardian
12 10 if such relative, friend, or guardian pays the expense of the
12 11 care of such patient in a state hospital. Patients
12 12 transferred to a public or private facility under this section
12 13 may subsequently be placed on convalescent or limited leave or
12 14 transferred to a different facility for continued full-time
12 15 custody, care, and treatment when, in the opinion of the
12 16 attending physician or the ~~chief medical officer~~ licensed
12 17 physician, licensed psychiatrist, or psychiatric advanced
12 18 registered nurse practitioner of the hospital from which the
12 19 patient was so transferred, the best interest of the patient
12 20 would be served by such leave or transfer. For any patient
12 21 who is involuntarily committed, any transfer made under this
12 22 section is subject to the placement hearing requirements of
12 23 section 229.14A.

12 24 Sec. 18. Section 229.1, subsection 4, Code 2007, is
12 25 amended to read as follows:

12 26 4. "Chemotherapy" means treatment of an individual by use
12 27 of a drug or substance which cannot legally be delivered or
12 28 administered to the ultimate user without a ~~physician's~~ an
12 29 authorized prescription or medical order.

12 30 Sec. 19. Section 229.1, subsection 5, Code 2007, is
12 31 amended by striking the subsection.

12 32 Sec. 20. Section 229.1, Code 2007, is amended by adding
12 33 the following new subsections:

12 34 NEW SUBSECTION. 8A. "Licensed psychiatrist" means an
12 35 individual licensed under the provisions of chapter 148, 150,



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13 1 or 150A to practice medicine and surgery, osteopathy, or
13 2 osteopathic medicine and surgery with a specialty in
13 3 psychiatry.

13 4 NEW SUBSECTION. 11A. "Psychiatric advanced registered
13 5 nurse practitioner" means an individual currently licensed as
13 6 a registered nurse under chapter 152 or 152E who holds a
13 7 national certification in psychiatric health care and who is
13 8 registered with the board of nursing as an advanced registered
13 9 nurse practitioner.

13 10 Sec. 21. Section 229.1, subsection 13, Code 2007, is
13 11 amended to read as follows:

13 12 13. "Qualified mental health professional" means an
13 13 individual experienced in the study and treatment of mental
13 14 disorders in ~~the capacity of~~ any of the following capacities:

13 15 a. A psychologist certified under chapter 154B; ~~or.~~

13 16 b. A registered nurse licensed under chapter 152; ~~or with~~
13 17 three years of work experience in psychiatric health care.

13 18 c. A social worker licensed under chapter 154C.

13 19 d. A physician assistant licensed under chapter 148C with
13 20 three years of work experience in psychiatric health care.

13 21 e. A psychiatric advanced registered nurse practitioner.

13 22 Sec. 22. Section 229.2, subsection 1, paragraphs a and b,
13 23 Code 2007, are amended to read as follows:

13 24 a. Upon receipt of an application for voluntary admission
13 25 of a minor, the ~~chief medical officer~~ licensed physician,
13 26 licensed psychiatrist, or psychiatric advanced registered
13 27 nurse practitioner of the hospital shall provide separate
13 28 prescreening interviews and consultations with the parent,
13 29 guardian or custodian and the minor to assess the family
13 30 environment and the appropriateness of the application for
13 31 admission.

13 32 b. During the interview and consultation the ~~chief medical~~
13 33 ~~officer~~ licensed physician, licensed psychiatrist, or
13 34 psychiatric advanced registered nurse practitioner shall
13 35 inform the minor orally and in writing that the minor has a



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14 1 right to object to the admission. If the ~~chief medical~~
14 2 ~~officer~~ licensed physician, licensed psychiatrist, or
14 3 psychiatric advanced registered nurse practitioner of the
14 4 hospital to which application is made determines that the
14 5 admission is appropriate but the minor objects to the
14 6 admission, the parent, guardian or custodian must petition the
14 7 juvenile court for approval of the admission before the minor
14 8 is actually admitted.

14 9 Sec. 23. Section 229.2, subsection 2, paragraphs a and b,
14 10 Code 2007, are amended to read as follows:

14 11 a. The ~~chief medical officer~~ licensed physician, licensed
14 12 psychiatrist, or psychiatric advanced registered nurse
14 13 practitioner of a public hospital shall receive and may admit
14 14 the person whose admission is sought, subject in cases other
14 15 than medical emergencies to availability of suitable
14 16 accommodations and to the provisions of sections 229.41 and
14 17 229.42.

14 18 b. The ~~chief medical officer~~ licensed physician, licensed
14 19 psychiatrist, or psychiatric advanced registered nurse
14 20 practitioner of a private hospital may receive and may admit
14 21 the person whose admission is sought.

14 22 Sec. 24. Section 229.3, Code 2007, is amended to read as
14 23 follows:

14 24 229.3 DISCHARGE OF VOLUNTARY PATIENTS.

14 25 Any voluntary patient who has recovered, or whose
14 26 hospitalization the ~~chief medical officer~~ licensed physician,
14 27 licensed psychiatrist, or psychiatric advanced registered
14 28 nurse practitioner of the hospital determines is no longer
14 29 advisable, shall be discharged. Any voluntary patient may be
14 30 discharged if to do so would in the judgment of the chief
14 31 medical officer contribute to the most effective use of the
14 32 hospital in the care and treatment of that patient and of
14 33 other persons with mental illness.

14 34 Sec. 25. Section 229.4, subsection 3, Code 2007, is
14 35 amended to read as follows:



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15 1 3. If the ~~chief medical officer~~ licensed physician,
15 2 licensed psychiatrist, or psychiatric advanced registered
15 3 nurse practitioner of the hospital, not later than the end of
15 4 the next secular day on which the office of the clerk of the
15 5 district court for the county in which the hospital is located
15 6 is open and which follows the submission of the written
15 7 request for release of the patient, files with that clerk a
15 8 certification that in the ~~chief medical officer's~~ opinion of
15 9 the licensed physician, licensed psychiatrist, or psychiatric
15 10 advanced registered nurse practitioner the patient is
15 11 seriously mentally impaired, the release may be postponed for
15 12 the period of time the court determines is necessary to permit
15 13 commencement of judicial procedure for involuntary
15 14 hospitalization. That period of time may not exceed five
15 15 days, exclusive of days on which the clerk's office is not
15 16 open unless the period of time is extended by order of a
15 17 district court judge for good cause shown. Until disposition
15 18 of the application for involuntary hospitalization of the
15 19 patient, if one is timely filed, the ~~chief medical officer~~
15 20 licensed physician, licensed psychiatrist, or psychiatric
15 21 advanced registered nurse practitioner may detain the patient
15 22 in the hospital and may provide treatment which is necessary
15 23 to preserve the patient's life, or to appropriately control
15 24 behavior by the patient which is likely to result in physical
15 25 injury to the patient or to others if allowed to continue, but
15 26 may not otherwise provide treatment to the patient without the
15 27 patient's consent.
15 28 Sec. 26. Section 229.5, Code 2007, is amended to read as
15 29 follows:
15 30 229.5 DEPARTURE WITHOUT NOTICE.
15 31 If a voluntary patient departs from the hospital without
15 32 notice, and in the opinion of the ~~chief medical officer~~
15 33 licensed physician, licensed psychiatrist, or psychiatric
15 34 advanced registered nurse practitioner of the hospital the
15 35 patient is seriously mentally impaired, the ~~chief medical~~



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~~16 1 officer~~ licensed physician, licensed psychiatrist, or
16 2 psychiatric advanced registered nurse practitioner may file an
16 3 application for involuntary hospitalization of the departed
16 4 voluntary patient, and request that an order for immediate
16 5 custody be entered by the court pursuant to section 229.11.

16 6 Sec. 27. Section 229.6, subsection 3, Code 2007, is
16 7 amended to read as follows:

16 8 3. Be accompanied by all of the following:

16 9 a. A written statement of a licensed physician, licensed
16 10 psychiatrist, or psychiatric advanced registered nurse
16 11 practitioner in support of the application; ~~or.~~

16 12 b. One or more supporting affidavits otherwise
16 13 corroborating the application; ~~or.~~

16 14 c. Corroborative information obtained and reduced to
16 15 writing by the clerk or the clerk's designee, but only when
16 16 circumstances make it infeasible to comply with, or when the
16 17 clerk considers it appropriate to supplement the information
16 18 supplied pursuant to, either paragraph "a" or paragraph "b" of
16 19 this subsection.

16 20 Sec. 28. Section 229.8, subsection 3, paragraph b, Code
16 21 2007, is amended to read as follows:

16 22 b. Order an examination of the respondent, prior to the
16 23 hearing, by one or more licensed physicians, licensed
16 24 psychiatrists, or psychiatric advanced registered nurse
16 25 practitioners who shall submit a written report on the
16 26 examination to the court as required by section 229.10.

16 27 Sec. 29. Section 229.10, Code 2007, is amended to read as
16 28 follows:

16 29 229.10 ~~PHYSICIANS' EXAMINATION == REPORT.~~

16 30 1. An examination of the respondent shall be conducted by
16 31 one or more licensed physicians, licensed psychiatrists, or
16 32 psychiatric advanced registered nurse practitioners as
16 33 required by the court's order, within a reasonable time. If
16 34 the respondent is detained pursuant to section 229.11,
16 35 subsection 2, the examination shall be conducted within



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17 1 twenty-four hours. If the respondent is detained pursuant to
17 2 section 229.11, subsection 1 or 3, the examination shall be
17 3 conducted within forty-eight hours. If the respondent so
17 4 desires, the respondent shall be entitled to a separate
17 5 examination by a licensed physician, licensed psychiatrist, or
17 6 psychiatric advanced registered nurse practitioner of the
17 7 respondent's own choice. The reasonable cost of the
17 8 examinations shall, if the respondent lacks sufficient funds
17 9 to pay the cost, be paid from county funds upon order of the
17 10 court.

17 11 Any licensed physician, licensed psychiatrist, or
17 12 psychiatric advanced registered nurse practitioner conducting
17 13 an examination pursuant to this section may consult with or
17 14 request the participation in the examination of any qualified
17 15 mental health professional, and may include with or attach to
17 16 the written report of the examination any findings or
17 17 observations by any qualified mental health professional who
17 18 has been so consulted or has so participated in the
17 19 examination.

17 20 If the respondent is not taken into custody under section
17 21 229.11, but the court is subsequently informed that the
17 22 respondent has declined to be examined by the licensed
17 23 physician ~~or physicians~~, licensed psychiatrist, or psychiatric
17 24 advanced registered nurse practitioner pursuant to the court
17 25 order, the court may order such limited detention of the
17 26 respondent as is necessary to facilitate the examination of
17 27 the respondent by the licensed physician ~~or physicians~~,
17 28 licensed psychiatrist, or psychiatric advanced registered
17 29 nurse practitioner.

17 30 2. A written report of the examination by the
17 31 court-designated licensed physician ~~or physicians~~, licensed
17 32 psychiatrist, or psychiatric advanced registered nurse
17 33 practitioner shall be filed with the clerk prior to the time
17 34 set for hearing. A written report of any examination by a
17 35 licensed physician, licensed psychiatrist, or psychiatric



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18 1 advanced registered nurse practitioner chosen by the
18 2 respondent may be similarly filed. The clerk shall
18 3 immediately do all of the following:
18 4 a. Cause the report or reports to be shown to the judge
18 5 who issued the order; ~~and~~.
18 6 b. Cause the respondent's attorney to receive a copy of
18 7 the report of the court=designated licensed physician ~~or~~
~~18 8 physicians, licensed psychiatrist, or psychiatric advanced~~
18 9 registered nurse practitioner.
18 10 3. If the report of the court=designated licensed
18 11 physician ~~or physicians, licensed psychiatrist, or psychiatric~~
18 12 advanced registered nurse practitioner is to the effect that
18 13 the individual is not seriously mentally impaired, the court
18 14 may without taking further action terminate the proceeding and
18 15 dismiss the application on its own motion and without notice.
18 16 4. If the report of the court=designated licensed
18 17 physician ~~or physicians, licensed psychiatrist, or psychiatric~~
18 18 advanced registered nurse practitioner is to the effect that
18 19 the respondent is seriously mentally impaired, the court shall
18 20 schedule a hearing on the application as soon as possible.
18 21 The hearing shall be held not more than forty=eight hours
18 22 after the report is filed, excluding Saturdays, Sundays and
18 23 holidays, unless an extension for good cause is requested by
18 24 the respondent, or as soon thereafter as possible if the court
18 25 considers that sufficient grounds exist for delaying the
18 26 hearing.
18 27 Sec. 30. Section 229.11, subsection 2, Code 2007, is
18 28 amended to read as follows:
18 29 2. In a suitable hospital the ~~chief medical officer of~~
~~18 30 which~~ licensed physician, licensed psychiatrist, or
18 31 psychiatric advanced registered nurse practitioner of the
18 32 hospital shall be informed of the reasons why immediate
18 33 custody has been ordered and may provide treatment which is
18 34 necessary to preserve the respondent's life, or to
18 35 appropriately control behavior by the respondent which is



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19 1 likely to result in physical injury to the respondent or to
19 2 others if allowed to continue, but may not otherwise provide
19 3 treatment to the respondent without the respondent's consent;
19 4 or

19 5 Sec. 31. Section 229.13, subsections 4, 5, and 6, Code
19 6 2007, are amended to read as follows:

19 7 4. The court shall furnish to the ~~chief medical officer~~
19 8 licensed physician, licensed psychiatrist, or psychiatric
19 9 advanced registered nurse practitioner of the hospital or
19 10 facility at the time the respondent arrives at the hospital or
19 11 facility for inpatient or outpatient treatment a written
19 12 finding of fact setting forth the evidence on which the
19 13 finding is based. If the respondent is ordered to undergo
19 14 outpatient treatment, the order shall also require the
19 15 respondent to cooperate with the treatment provider and comply
19 16 with the course of treatment.

19 17 5. The ~~chief medical officer~~ licensed physician, licensed
19 18 psychiatrist, or psychiatric advanced registered nurse
19 19 practitioner of the hospital or facility at which the
19 20 respondent is placed shall report to the court no more than
19 21 fifteen days after the respondent is placed, making a
19 22 recommendation for disposition of the matter. An extension of
19 23 time may be granted, not to exceed seven days upon a showing
19 24 of cause. A copy of the report shall be sent to the
19 25 respondent's attorney, who may contest the need for an
19 26 extension of time if one is requested. An extension of time
19 27 shall be granted upon request unless the request is contested,
19 28 in which case the court shall make such inquiry as it deems
19 29 appropriate and may either order the respondent's release from
19 30 the hospital or facility or grant an extension of time for
19 31 psychiatric evaluation. If the ~~chief medical officer~~ licensed
19 32 physician, licensed psychiatrist, or psychiatric advanced
19 33 registered nurse practitioner fails to report to the court
19 34 within fifteen days after the individual is placed under the
19 35 care of the hospital or facility, and an extension of time has



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20 1 not been requested, the ~~chief medical officer~~ licensed
20 2 physician, licensed psychiatrist, or psychiatric advanced
20 3 registered nurse practitioner is guilty of contempt and shall
20 4 be punished under chapter 665. The court shall order a
20 5 rehearing on the application to determine whether the
20 6 respondent should continue to be detained at or placed under
20 7 the care of the facility.

20 8 6. If, after placement of a respondent in or under the
20 9 care of a hospital or other suitable facility for inpatient
20 10 treatment, the respondent departs from the hospital or
20 11 facility or fails to appear for treatment as ordered without
20 12 prior proper authorization from the ~~chief medical officer~~
20 13 licensed physician, licensed psychiatrist, or psychiatric
20 14 advanced registered nurse practitioner, upon receipt of
20 15 notification of the respondent's departure or failure to
20 16 appear by the ~~chief medical officer~~ licensed physician,
20 17 licensed psychiatrist, or psychiatric advanced registered
20 18 nurse practitioner, a peace officer of the state shall without
20 19 further order of the court exercise all due diligence to take
20 20 the respondent into protective custody and return the
20 21 respondent to the hospital or facility.

20 22 Sec. 32. Section 229.14, Code 2007, is amended to read as
20 23 follows:

20 24 229.14 ~~CHIEF MEDICAL OFFICER'S~~ EVALUATOR'S REPORT.

20 25 1. The ~~chief medical officer's~~ report to the court on the
20 26 psychiatric evaluation of the respondent prepared by the
20 27 licensed physician, licensed psychiatrist, or psychiatric
20 28 advanced registered nurse practitioner of the hospital shall
20 29 be made not later than the expiration of the time specified in
20 30 section 229.13. At least two copies of the report shall be
20 31 filed with the clerk, who shall dispose of them in the manner
20 32 prescribed by section 229.10, subsection 2. The report shall
20 33 state one of the four following alternative findings:

20 34 a. That the respondent does not, as of the date of the
20 35 report, require further treatment for serious mental



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21 1 impairment. If the report so states, the court shall order
21 2 the respondent's immediate release from involuntary
21 3 hospitalization and terminate the proceedings.

21 4 b. That the respondent is seriously mentally impaired and
21 5 in need of full-time custody, care and inpatient treatment in
21 6 a hospital, and is considered likely to benefit from
21 7 treatment. The report shall include the ~~chief medical~~
~~21 8 officer's~~ recommendation of the licensed physician, licensed
21 9 psychiatrist, or psychiatric advanced registered nurse
21 10 practitioner for further treatment.

21 11 c. That the respondent is seriously mentally impaired and
21 12 in need of treatment, but does not require full-time
21 13 hospitalization. If the report so states, it shall include
21 14 the ~~chief medical officer's~~ recommendation of the licensed
21 15 physician, licensed psychiatrist, or psychiatric advanced
21 16 registered nurse practitioner for treatment of the respondent
21 17 on an outpatient or other appropriate basis.

21 18 d. The respondent is seriously mentally impaired and in
21 19 need of full-time custody and care, but is unlikely to benefit
21 20 from further inpatient treatment in a hospital. The report
21 21 shall include the ~~chief medical officer's~~ recommendation of
21 22 the licensed physician, licensed psychiatrist, or psychiatric
21 23 advanced registered nurse practitioner for an appropriate
21 24 alternative placement for the respondent.

21 25 2. Following receipt of the ~~chief medical officer's~~ report
21 26 of the licensed physician, licensed psychiatrist, or
21 27 psychiatric advanced registered nurse practitioner under
21 28 subsection 1, paragraph "b", "c", or "d", the court shall
21 29 issue an order for appropriate treatment as follows:

21 30 a. For a respondent whose expenses are payable in whole or
21 31 in part by a county, placement as designated through the
21 32 central point of coordination process in the care of an
21 33 appropriate hospital or facility on an inpatient or outpatient
21 34 basis, or other appropriate treatment, or in an appropriate
21 35 alternative placement.



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22 1 b. For any other respondent, placement in the care of an
22 2 appropriate hospital or facility on an inpatient or outpatient
22 3 basis, or other appropriate treatment, or an appropriate
22 4 alternative placement.

22 5 c. For a respondent who is an inmate in the custody of the
22 6 department of corrections, the court may order the respondent
22 7 to receive mental health services in a correctional program.

22 8 d. If the court orders treatment of the respondent on an
22 9 outpatient or other appropriate basis as described in the
22 10 chief medical officer's report of the licensed physician,
22 11 licensed psychiatrist, or psychiatric advanced registered
22 12 nurse practitioner pursuant to subsection 1, paragraph "c",
22 13 the order shall provide that, should the respondent fail or
22 14 refuse to submit to treatment in accordance with the court's
22 15 order, the court may order that the respondent be taken into
22 16 immediate custody as provided by section 229.11 and, following
22 17 notice and hearing held in accordance with the procedures of
22 18 section 229.12, may order the respondent treated on an
22 19 inpatient basis requiring full-time custody, care, and
22 20 treatment in a hospital until such time as the ~~chief medical~~
22 21 ~~officer~~ licensed physician, licensed psychiatrist, or
22 22 psychiatric advanced registered nurse practitioner reports
22 23 that the respondent does not require further treatment for
22 24 serious mental impairment or has indicated the respondent is
22 25 willing to submit to treatment on another basis as ordered by
22 26 the court. If a patient is transferred for treatment to
22 27 another provider under this paragraph, the treatment provider
22 28 who will be providing the outpatient or other appropriate
22 29 treatment shall be provided with copies of relevant court
22 30 orders by the former treatment provider.

22 31 Sec. 33. Section 229.14A, subsection 1, Code 2007, is
22 32 amended to read as follows:

22 33 1. With respect to a ~~chief medical officer's report of the~~
22 34 licensed physician, licensed psychiatrist, or psychiatric
22 35 advanced registered nurse practitioner made pursuant to



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23 1 section 229.14, subsection 1, paragraph "b", "c", or "d", or
23 2 any other provision of this chapter related to involuntary
23 3 commitment for which the court issues a placement order or a
23 4 transfer of placement is authorized, the court shall provide
23 5 notice to the respondent and the respondent's attorney or
23 6 mental health advocate pursuant to section 229.19 concerning
23 7 the placement order and the respondent's right to request a
23 8 placement hearing to determine if the order for placement or
23 9 transfer of placement is appropriate.

23 10 Sec. 34. Section 229.14B, Code 2007, is amended to read as
23 11 follows:

23 12 229.14B ESCAPE FROM CUSTODY.

23 13 A person who is placed in a hospital or other suitable
23 14 facility for evaluation under section 229.13 or who is
23 15 required to remain hospitalized for treatment under section
23 16 229.14 shall remain at that hospital or facility unless
23 17 discharged or otherwise permitted to leave by the court or the
23 18 ~~chief medical officer~~ licensed physician, licensed
23 19 psychiatrist, or psychiatric advanced registered nurse
23 20 practitioner of the hospital or facility. If a person placed
23 21 at a hospital or facility or required to remain at a hospital
23 22 or facility leaves the facility without permission or without
23 23 having been discharged, the ~~chief medical officer~~ licensed
23 24 physician, licensed psychiatrist, or psychiatric advanced
23 25 registered nurse practitioner may notify the sheriff of the
23 26 person's absence and the sheriff shall take the person into
23 27 custody and return the person promptly to the hospital or
23 28 facility.

23 29 Sec. 35. Section 229.15, subsections 1 and 2, Code 2007,
23 30 are amended to read as follows:

23 31 1. Not more than thirty days after entry of an order for
23 32 continued hospitalization of a patient under section 229.14,
23 33 subsection 1, paragraph "b", and thereafter at successive
23 34 intervals of not more than sixty days continuing so long as
23 35 involuntary hospitalization of the patient continues, the



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24 1 ~~chief medical officer~~ licensed physician, licensed
24 2 psychiatrist, or psychiatric advanced registered nurse
24 3 practitioner of the hospital shall report to the court which
24 4 entered the order. The report shall be submitted in the
24 5 manner required by section 229.14, shall state whether the
24 6 patient's condition has improved, remains unchanged, or has
24 7 deteriorated, and shall indicate if possible the further
24 8 length of time the patient will be required to remain at the
24 9 hospital. The ~~chief medical officer~~ licensed physician,
24 10 licensed psychiatrist, or psychiatric advanced registered
24 11 nurse practitioner may at any time report to the court a
24 12 finding as stated in section 229.14, subsection 1, and the
24 13 court shall act upon the finding as required by section
24 14 229.14, subsection 2.
24 15 2. Not more than sixty days after the entry of a court
24 16 order for treatment of a patient pursuant to a report issued
24 17 under section 229.14, subsection 1, paragraph "c", and
24 18 thereafter at successive intervals as ordered by the court but
24 19 not to exceed ninety days so long as that court order remains
24 20 in effect, the medical director of the facility treating the
24 21 patient shall report to the court which entered the order.
24 22 The report shall state whether the patient's condition has
24 23 improved, remains unchanged, or has deteriorated, and shall
24 24 indicate if possible the further length of time the patient
24 25 will require treatment by the facility. If at any time the
24 26 patient without good cause fails or refuses to submit to
24 27 treatment as ordered by the court, the medical director shall
24 28 at once so notify the court, which shall order the patient
24 29 hospitalized as provided by section 229.14, subsection 2,
24 30 paragraph "d", unless the court finds that the failure or
24 31 refusal was with good cause and that the patient is willing to
24 32 receive treatment as provided in the court's order, or in a
24 33 revised order if the court sees fit to enter one. If at any
24 34 time the medical director reports to the court that in the
24 35 director's opinion the patient requires full-time custody,



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25 1 care and treatment in a hospital, and the patient is willing
25 2 to be admitted voluntarily to the hospital for these purposes,
25 3 the court may enter an order approving hospitalization for
25 4 appropriate treatment upon consultation with the ~~chief medical~~
~~25 5 officer~~ licensed physician, licensed psychiatrist, or
25 6 psychiatric advanced registered nurse practitioner of the
25 7 hospital in which the patient is to be hospitalized. If the
25 8 patient is unwilling to be admitted voluntarily to the
25 9 hospital, the procedure for determining involuntary
25 10 hospitalization, as set out in section 229.14, subsection 2,
25 11 paragraph "d", shall be followed.

25 12 Sec. 36. Section 229.15, subsection 4, paragraph a, Code
25 13 2007, is amended to read as follows:

25 14 a. When in the opinion of the ~~chief medical officer~~
25 15 licensed physician, licensed psychiatrist, or psychiatric
25 16 advanced registered nurse practitioner, the best interest of a
25 17 patient would be served by a convalescent or limited leave,
25 18 the ~~chief medical officer~~ licensed physician, licensed
25 19 psychiatrist, or psychiatric advanced registered nurse
25 20 practitioner may authorize the leave and, if authorized, shall
25 21 promptly report the leave to the court. When in the opinion
25 22 of the ~~chief medical officer~~ licensed physician, licensed
25 23 psychiatrist, or psychiatric advanced registered nurse
25 24 practitioner the best interest of a patient would be served by
25 25 a transfer to a different hospital for continued full-time
25 26 custody, care, and treatment, the ~~chief medical officer~~
25 27 licensed physician, licensed psychiatrist, or psychiatric
25 28 advanced registered nurse practitioner shall promptly send a
25 29 report to the court. The court shall act upon the report in
25 30 accordance with section 229.14A.

25 31 Sec. 37. Section 229.16, Code 2007, is amended to read as
25 32 follows:

25 33 229.16 DISCHARGE AND TERMINATION OF PROCEEDING.

25 34 When the condition of a patient who is hospitalized
25 35 pursuant to a report issued under section 229.14, subsection



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26 1 1, paragraph "b", or is receiving treatment pursuant to a
26 2 report issued under section 229.14, subsection 1, paragraph
26 3 "c", or is in full-time care and custody pursuant to a report
26 4 issued under section 229.14, subsection 1, paragraph "d", is
26 5 such that in the opinion of the ~~chief medical officer~~ licensed
26 6 physician, licensed psychiatrist, or psychiatric advanced
26 7 registered nurse practitioner the patient no longer requires
26 8 treatment or care for serious mental impairment, the ~~chief~~
26 9 ~~medical officer~~ licensed physician, licensed psychiatrist, or
26 10 psychiatric advanced registered nurse practitioner shall
26 11 tentatively discharge the patient and immediately report that
26 12 fact to the court which ordered the patient's hospitalization
26 13 or care and custody. Upon receiving the report, the court
26 14 shall issue an order confirming the patient's discharge from
26 15 the hospital or from care and custody, as the case may be, and
26 16 shall terminate the proceedings pursuant to which the order
26 17 was issued. Copies of the order shall be sent by regular mail
26 18 to the hospital, the patient, and the applicant if the
26 19 applicant has filed a written waiver signed by the patient.
26 20 Sec. 38. Section 229.19, subsection 2, Code Supplement
26 21 2007, is amended to read as follows:
26 22 2. The hospital or facility to which a patient is
26 23 committed shall grant all reasonable requests of the advocate
26 24 to visit the patient, to communicate with ~~medical personnel~~
26 25 all qualified mental health professionals treating the
26 26 patient, and to review the patient's medical records pursuant
26 27 to section 229.25. An advocate shall not disseminate
26 28 information from a patient's medical records to any other
26 29 person unless done for official purposes in connection with
26 30 the advocate's duties pursuant to this chapter or when
26 31 required by law.
26 32 Sec. 39. Section 229.21, subsection 4, Code 2007, is
26 33 amended to read as follows:
26 34 4. If the appellant is in custody under the jurisdiction
26 35 of the district court at the time of service of the notice of



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27 1 appeal, the appellant shall be discharged from custody unless
27 2 an order that the appellant be taken into immediate custody
27 3 has previously been issued under section 229.11 or section
27 4 125.81, in which case the appellant shall be detained as
27 5 provided in that section until the hospitalization or
27 6 commitment hearing before the district judge. If the
27 7 appellant is in the custody of a hospital or facility at the
27 8 time of service of the notice of appeal, the appellant shall
27 9 be discharged from custody pending disposition of the appeal
27 10 unless the ~~chief medical officer~~ licensed physician, licensed
27 11 psychiatrist, or psychiatric advanced registered nurse
27 12 practitioner of the hospital or facility, not later than the
27 13 end of the next secular day on which the office of the clerk
27 14 is open and which follows service of the notice of appeal,
27 15 files with the clerk a certification that in the ~~chief medical~~
27 16 ~~officer's~~ opinion of the licensed physician, licensed
27 17 psychiatrist, or psychiatric advanced registered nurse
27 18 practitioner, the appellant is seriously mentally ill or a
27 19 substance abuser. In that case, the appellant shall remain in
27 20 custody of the hospital or facility until the hospitalization
27 21 or commitment hearing before the district court.

27 22 Sec. 40. Section 229.22, subsection 2, unnumbered
27 23 paragraph 2, Code 2007, is amended to read as follows:

27 24 If the magistrate orders that the person be detained, the
27 25 magistrate shall, by the close of business on the next working
27 26 day, file a written order with the clerk in the county where
27 27 it is anticipated that an application may be filed under
27 28 section 229.6. The order may be filed by facsimile if
27 29 necessary. The order shall state the circumstances under
27 30 which the person was taken into custody or otherwise brought
27 31 to a facility, and the grounds supporting the finding of
27 32 probable cause to believe that the person is seriously
27 33 mentally impaired and likely to injure the person's self or
27 34 others if not immediately detained. The order shall confirm
27 35 the oral order authorizing the person's detention including



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28 1 any order given to transport the person to an appropriate
28 2 facility. The clerk shall provide a copy of that order to the
28 3 ~~chief medical officer~~ licensed physician, licensed
28 4 psychiatrist, or psychiatric advanced registered nurse
28 5 practitioner of the facility to which the person was
28 6 originally taken, to any subsequent facility to which the
28 7 person was transported, and to any law enforcement department
28 8 or ambulance service that transported the person pursuant to
28 9 the magistrate's order.

28 10 Sec. 41. Section 229.22, subsection 3, Code 2007, is
28 11 amended to read as follows:

28 12 3. The ~~chief medical officer~~ licensed physician, licensed
28 13 psychiatrist, or psychiatric advanced registered nurse
28 14 practitioner of the hospital shall examine and may detain and
28 15 care for the person taken into custody under the magistrate's
28 16 order for a period not to exceed forty-eight hours from the
28 17 time such order is dated, excluding Saturdays, Sundays and
28 18 holidays, unless the order is sooner dismissed by a
28 19 magistrate. The hospital may provide treatment which is
28 20 necessary to preserve the person's life, or to appropriately
28 21 control behavior by the person which is likely to result in
28 22 physical injury to the person's self or others if allowed to
28 23 continue, but may not otherwise provide treatment to the
28 24 person without the person's consent. The person shall be
28 25 discharged from the hospital and released from custody not
28 26 later than the expiration of that period, unless an
28 27 application for the person's involuntary hospitalization is
28 28 sooner filed with the clerk pursuant to section 229.6. The
28 29 detention of any person by the procedure and not in excess of
28 30 the period of time prescribed by this section shall not render
28 31 the peace officer, licensed physician, licensed psychiatrist,
28 32 or psychiatric advanced registered nurse practitioner, or
28 33 hospital so detaining that person liable in a criminal or
28 34 civil action for false arrest or false imprisonment if the
28 35 peace officer, licensed physician, licensed psychiatrist, or



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29 1 psychiatric advanced registered nurse practitioner, or
29 2 hospital had reasonable grounds to believe the person so
29 3 detained was mentally ill and likely to physically injure the
29 4 person's self or others if not immediately detained.
29 5 Sec. 42. Section 229.23, subsections 2 and 3, Code 2007,
29 6 are amended to read as follows:
29 7 2. The right to refuse treatment by shock therapy or
29 8 chemotherapy, unless the use of these treatment modalities is
29 9 specifically consented to by the patient's next of kin or
29 10 guardian. The patient's right to refuse treatment by
29 11 chemotherapy shall not apply during any period of custody
29 12 authorized by section 229.4, subsection 3, section 229.11 or
29 13 section 229.22, but this exception shall extend only to
29 14 chemotherapy treatment which is, in the ~~chief medical~~
~~29 15 officer's~~ treating qualified mental health professional's
29 16 judgment, necessary to preserve the patient's life or to
29 17 appropriately control behavior by the person which is likely
29 18 to result in physical injury to that person or others if
29 19 allowed to continue. The patient's right to refuse treatment
29 20 by chemotherapy shall also not apply during any period of
29 21 custody authorized by the court pursuant to section 229.13 or
29 22 229.14. In any other situation in which, in the ~~chief medical~~
~~29 23 officer's~~ treating qualified mental health professional's
29 24 judgment, chemotherapy is appropriate for the patient but the
29 25 patient refuses to consent thereto and there is no next of kin
29 26 or guardian to give consent, the ~~chief medical officer~~
29 27 treating qualified mental health professional may request an
29 28 order authorizing treatment of the patient by chemotherapy
29 29 from the district court which ordered the patient's
29 30 hospitalization.
29 31 3. In addition to protection of the person's
29 32 constitutional rights, enjoyment of other legal, medical,
29 33 religious, social, political, personal and working rights and
29 34 privileges which the person would enjoy if the person were not
29 35 so hospitalized or detained, so far as is possible consistent



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30 1 with effective treatment of that person and of the other
30 2 patients of the hospital. If the patient's rights are
30 3 restricted, the ~~physician's~~ treating qualified mental health
30 4 professional's direction to that effect shall be noted on the
30 5 patient's record. The department of human services shall, in
30 6 accordance with chapter 17A establish rules setting forth the
30 7 specific rights and privileges to which persons so
30 8 hospitalized or detained are entitled under this section, and
30 9 the exceptions provided by section 17A.2, subsection 11,
30 10 paragraphs "a" and "k", shall not be applicable to the rules
30 11 so established. The patient or the patient's next of kin or
30 12 friend shall be advised of these rules and be provided a
30 13 written copy upon the patient's admission to or arrival at the
30 14 hospital.

30 15 Sec. 43. Section 229.25, Code 2007, is amended to read as
30 16 follows:

30 17 229.25 MEDICAL RECORDS TO BE CONFIDENTIAL == EXCEPTIONS.

30 18 The records maintained by a hospital or other facility
30 19 relating to the examination, custody, care and treatment of
30 20 any person in that hospital or facility pursuant to this
30 21 chapter shall be confidential, except that the ~~chief medical~~
30 22 ~~officer~~ licensed physician, licensed psychiatrist, or
30 23 psychiatric advanced registered nurse practitioner of the
30 24 hospital or facility, or treating qualified mental health
30 25 professional shall release appropriate information under any
30 26 of the following circumstances:

30 27 1. The information is requested by a licensed physician,
30 28 attorney, or advocate who provides the ~~chief medical officer~~
30 29 licensed physician, licensed psychiatrist, psychiatric
30 30 advanced registered nurse practitioner, or treating qualified
30 31 mental health professional with a written waiver signed by the
30 32 person about whom the information is sought.

30 33 2. The information is sought by a court order.

30 34 3. The person who is hospitalized or that person's
30 35 guardian, if the person is a minor or is not legally competent



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31 1 to do so, signs an informed consent to release information.
31 2 Each signed consent shall designate specifically the person or
31 3 agency to whom the information is to be sent, and the
31 4 information may be sent only to that person or agency.

31 5 Such records may be released by the ~~chief medical officer~~
31 6 licensed physician, licensed psychiatrist, psychiatric
31 7 advanced registered nurse practitioner, or treating qualified
31 8 mental health professional when requested for the purpose of
31 9 research into the causes, incidence, nature and treatment of
31 10 mental illness, however information shall not be provided in a
31 11 way that discloses patients' names or which otherwise
31 12 discloses any patient's identity.

31 13 When the ~~chief medical officer~~ licensed physician, licensed
31 14 psychiatrist, psychiatric advanced registered nurse
31 15 practitioner, or treating qualified mental health professional
31 16 deems it to be in the best interest of the patient and the
31 17 patient's next of kin to do so, the ~~chief medical officer~~
31 18 licensed physician, licensed psychiatrist, licensed
31 19 psychologist, psychiatric advanced registered nurse
31 20 practitioner, or treating qualified mental health professional
31 21 may release appropriate information during a consultation
31 22 which the hospital or facility shall arrange with the next of
31 23 kin of a voluntary or involuntary patient, if requested by the
31 24 patient's next of kin.

31 25 Sec. 44. Section 229.28, Code 2007, is amended to read as
31 26 follows:

31 27 229.28 HOSPITALIZATION IN CERTAIN FEDERAL FACILITIES.
31 28 When a court finds that the contention that a respondent is
31 29 seriously mentally impaired has been sustained or proposes to
31 30 order continued hospitalization of any person, or an
31 31 alternative placement, as described under section 229.14,
31 32 subsection 1, paragraph "b" or "d", and the court is furnished
31 33 evidence that the respondent or patient is eligible for care
31 34 and treatment in a facility operated by the veterans
31 35 administration or another agency of the United States



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32 1 government and that the facility is willing to receive the
32 2 respondent or patient, the court may so order. The respondent
32 3 or patient, when so hospitalized or placed in a facility
32 4 operated by the veterans administration or another agency of
32 5 the United States government within or outside of this state,
32 6 shall be subject to the rules of the veterans administration
32 7 or other agency, but shall not thereby lose any procedural
32 8 rights afforded the respondent or patient by this chapter.
32 9 The chief officer of the facility shall have, with respect to
32 10 the person so hospitalized or placed, the same powers and
32 11 duties as the ~~chief medical officer~~ licensed physician,
32 12 licensed psychiatrist, or psychiatric advanced registered
32 13 nurse practitioner of a hospital in this state would have in
32 14 regard to submission of reports to the court, retention of
32 15 custody, transfer, convalescent leave or discharge.
32 16 Jurisdiction is retained in the court to maintain surveillance
32 17 of the person's treatment and care, and at any time to inquire
32 18 into that person's mental condition and the need for continued
32 19 hospitalization or care and custody.

32 20 Sec. 45. Section 229.29, Code 2007, is amended to read as
32 21 follows:

32 22 229.29 TRANSFER TO CERTAIN FEDERAL FACILITIES.

32 23 Upon receipt of a certificate stating that any person
32 24 involuntarily hospitalized under this chapter is eligible for
32 25 care and treatment in a facility operated by the veterans
32 26 administration or another agency of the United States
32 27 government which is willing to receive the person without
32 28 charge to the state of Iowa or any county in the state, the
32 29 ~~chief medical officer~~ licensed physician, licensed
32 30 psychiatrist, or psychiatric advanced registered nurse
32 31 practitioner may transfer the person to that facility. Upon
32 32 so doing, the ~~chief medical officer~~ licensed physician,
32 33 licensed psychiatrist, or psychiatric advanced registered
32 34 nurse practitioner shall notify the court which ordered the
32 35 person's hospitalization in the same manner as would be



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33 1 required in the case of a transfer under section 229.15,
33 2 subsection 4, and the person transferred shall be entitled to
33 3 the same rights as the person would have under that
33 4 subsection. No person shall be transferred under this section
33 5 who is confined pursuant to conviction of a public offense or
33 6 whose hospitalization was ordered upon contention of
33 7 incompetence to stand trial by reason of mental illness,
33 8 without prior approval of the court which ordered that
33 9 person's hospitalization.

33 10 Sec. 46. Section 229.31, Code 2007, is amended to read as
33 11 follows:

33 12 229.31 COMMISSION OF INQUIRY.

33 13 A sworn complaint, alleging that a named person is not
33 14 seriously mentally impaired and is unjustly deprived of
33 15 liberty in any hospital in the state, may be filed by any
33 16 person with the clerk of the district court of the county in
33 17 which such named person is so confined, or of the county in
33 18 which such named person has a legal settlement, and thereupon
33 19 a judge of said court shall appoint a commission of not more
33 20 than three persons to inquire into the truth of said
33 21 allegations. One of said commissioners shall be a ~~physician~~
33 22 licensed psychiatrist or psychiatric advanced registered nurse
33 23 practitioner and if additional commissioners are appointed,
33 24 one of such commissioners shall be a lawyer.

33 25 Sec. 47. Section 229.32, Code 2007, is amended to read as
33 26 follows:

33 27 229.32 DUTY OF COMMISSION.

33 28 Said commission shall at once proceed to the place where
33 29 said person is confined and make a thorough and discreet
33 30 examination for the purpose of determining the truth of said
33 31 allegations and shall promptly report its findings to said
33 32 judge in writing. Said report shall be accompanied by a
33 33 written statement of the case signed by the ~~chief medical~~
~~33 34 officer~~ licensed physician, licensed psychiatrist, or
33 35 psychiatric advanced registered nurse practitioner of the



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34 1 hospital in which the person is confined.

34 2 Sec. 48. Section 229.34, Code 2007, is amended to read as
34 3 follows:

34 4 229.34 FINDING AND ORDER FILED.

34 5 The finding and order of the judge, with the report and
34 6 other papers, shall be filed in the office of the clerk of the
34 7 court where the complaint was filed. Said clerk shall enter a

34 8 memorandum thereof on the appropriate record, and forthwith
34 9 notify the ~~chief medical officer~~ licensed physician, licensed
34 10 psychiatrist, or psychiatric advanced registered nurse

34 11 practitioner of the hospital of the finding and order of the
34 12 judge, and the ~~chief medical officer~~ licensed physician,
34 13 licensed psychiatrist, or psychiatric advanced registered
34 14 nurse practitioner shall carry out the order.

34 15 Sec. 49. Section 321.180A, subsection 1, Code 2007, is
34 16 amended to read as follows:

34 17 1. Notwithstanding other provisions of this chapter, a
34 18 person with a physical disability, who is not suffering from a
34 19 convulsive disorder and who can provide a favorable medical
34 20 report, whose license renewal has been denied under section
34 21 321.177, subsection 6 or 7, or whose driver's license has been
34 22 suspended under section 321.210, subsection 1, paragraph "c",
34 23 upon meeting the requirements of section 321.186, other than a
34 24 driving demonstration or the person's limitations which caused
34 25 the denial under section 321.177, subsection 6 or 7, or
34 26 suspension under section 321.210, subsection 1, paragraph "c",
34 27 and upon paying the fee required in section 321.191, shall be
34 28 issued a special instruction permit by the department. Upon
34 29 issuance of the permit the denial or suspension shall be
34 30 stayed and the stay shall remain in effect as long as the
34 31 permit is valid. For purposes of this subsection, "medical
34 32 report" means a report made by a licensed physician, licensed
34 33 psychiatrist, or psychiatric advanced registered nurse
34 34 practitioner, as defined in section 229.1, attesting to a
34 35 person's physical or mental capability to operate a motor



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35 1 vehicle safely, submitted on a form prescribed by the
35 2 department or, if appropriate, signed by the licensed
35 3 physician, licensed psychiatrist, or psychiatric advanced
35 4 registered nurse practitioner and submitted on the
35 5 professional letterhead of the licensed physician, licensed
35 6 psychiatrist, or psychiatric advanced registered nurse
35 7 practitioner.

35 8 Sec. 50. Section 483A.24, subsections 12, 13, and 14, Code
35 9 Supplement 2007, are amended to read as follows:

35 10 12. The department may issue a permit, subject to
35 11 conditions established by the department, which authorizes
35 12 patients of a substance abuse facility, residents of health
35 13 care facilities licensed under chapter 135C, tenants of elder
35 14 group homes licensed under chapter 231B, tenants of assisted
35 15 living program facilities licensed under chapter 231C,
35 16 participants who attend adult day services programs licensed
35 17 under chapter 231D, participants in services funded under a
35 18 federal home and community-based services waiver implemented
35 19 under the medical assistance program as defined in chapter
35 20 249A, and persons cared for in juvenile shelter care homes as
35 21 provided for in chapter 232 to fish without a license as a
35 22 supervised group. A person supervising a group pursuant to
35 23 this subsection may fish with the group pursuant to the permit
35 24 and is not required to obtain a fishing license. Such a
35 25 permit may be issued on a form furnished by the department
35 26 upon written application by a licensed physician, licensed
35 27 psychiatrist, or psychiatric advanced registered nurse
35 28 practitioner, as defined in section 229.1.

35 29 13. Upon payment of the fee of five dollars for a lifetime
35 30 fishing license or lifetime hunting and fishing combined
35 31 license, the department shall issue a lifetime fishing license
35 32 or lifetime hunting and fishing combined license to a resident
35 33 of Iowa who is a veteran, as defined in section 35.1, or
35 34 served in the armed forces of the United States for a minimum
35 35 aggregate of ninety days of active federal service and who was



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36 1 disabled or was a prisoner of war during that veteran's
36 2 military service. The department shall prepare an application
36 3 to be used by a person requesting a lifetime fishing license
36 4 or lifetime hunting and fishing combined license under this
36 5 subsection. The department of veterans affairs shall assist
36 6 the department in verifying the status or claims of applicants
36 7 under this subsection. As used in this subsection, "disabled"
36 8 means entitled to compensation under the United States Code,
36 9 Title 38, ch. 11. Such a permit may be issued on a form
36 10 furnished by the department upon written application by a
36 11 licensed physician, licensed psychiatrist, or psychiatric
36 12 advanced registered nurse practitioner, as defined in section
36 13 229.1.

36 14 14. The department shall issue without charge a special
36 15 annual fishing or combined hunting and fishing license to
36 16 residents of this state who have permanent disabilities and
36 17 whose income falls below the federal poverty guidelines as
36 18 published by the United States department of health and human
36 19 services or residents of this state who are sixty-five years
36 20 of age or older and whose income falls below the federal
36 21 poverty guidelines as published by the United States
36 22 department of health and human services. The commission shall
36 23 provide for, by rule, an application to be used by an
36 24 applicant requesting a special license. The commission shall
36 25 require proof of age, income, and proof of permanent
36 26 disability. Such a permit may be issued on a form furnished
36 27 by the department upon written application by a licensed
36 28 physician, licensed psychiatrist, or psychiatric advanced
36 29 registered nurse practitioner, as defined in section 229.1.

36 30 Sec. 51. Section 812.3, subsection 2, Code 2007, is
36 31 amended to read as follows:

36 32 2. Upon a finding of probable cause sustaining the
36 33 allegations, the court shall suspend further criminal
36 34 proceedings and order the defendant to undergo a psychiatric
36 35 evaluation to determine whether the defendant is suffering a



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37 1 mental disorder which prevents the defendant from appreciating
37 2 the charge, understanding the proceedings, or assisting
37 3 effectively in the defense. The order shall also authorize
37 4 the evaluator to provide treatment necessary and appropriate
37 5 to facilitate the evaluation. If an evaluation has been
37 6 conducted within thirty days of the probable cause finding,
37 7 the court is not required to order a new evaluation and may
37 8 use the recent evaluation during a hearing under this chapter.
37 9 Any party is entitled to a separate psychiatric evaluation by
37 10 a psychiatrist, psychiatric advanced registered nurse
37 11 practitioner, or licensed, doctorate-level psychologist of
37 12 their the party's own choosing. For purposes of this chapter,
37 13 "psychiatric advanced registered nurse practitioner" means an
37 14 individual currently licensed as a registered nurse under
37 15 chapter 152 or 152E who holds a national certification in
37 16 psychiatric health care and who is registered with the board
37 17 of nursing as an advanced registered nurse practitioner.

37 18 Sec. 52. Section 812.7, Code 2007, is amended to read as
37 19 follows:

37 20 812.7 MENTAL STATUS REPORTS.

37 21 The psychiatrist, advanced registered nurse practitioner,
37 22 or licensed doctorate-level psychologist providing outpatient
37 23 treatment to the defendant, or the director of the facility
37 24 where the defendant is being held and treated pursuant to a
37 25 court order, shall provide a written status report to the
37 26 court regarding the defendant's mental disorder within thirty
37 27 days of the defendant's placement pursuant to section 812.6.
37 28 The report shall also state whether it appears that the
37 29 defendant can be restored to competency in a reasonable amount
37 30 of time. Progress reports shall be provided to the court
37 31 every sixty days or less thereafter until the defendant's
37 32 competency is restored or the placement of the defendant is
37 33 terminated.

37 34 Sec. 53. Section 812.8, subsections 1, 2, and 3, Code
37 35 2007, are amended to read as follows:



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38 1 1. At any time, upon a finding by a psychiatrist,
38 2 psychiatric advanced registered nurse practitioner, or
38 3 licensed doctorate=level psychologist that there is a
38 4 substantial probability that the defendant has acquired the
38 5 ability to appreciate the charge, understand the proceedings,
38 6 and effectively assist in the defendant's defense, the
38 7 psychiatrist, psychiatric advanced registered nurse
38 8 practitioner, or licensed doctorate=level psychologist
38 9 providing outpatient treatment to the defendant or the
38 10 director of the inpatient facility shall immediately notify
38 11 the court. After receiving notice the court shall proceed as
38 12 provided in subsection 4.

38 13 2. At any time, a treating psychiatrist, psychiatric
38 14 advanced registered nurse practitioner, or licensed
38 15 doctorate=level psychologist may notify the court that the
38 16 defendant receiving outpatient treatment will require
38 17 inpatient services to continue benefiting from treatment or
38 18 that it is appropriate for a defendant receiving inpatient
38 19 treatment services to receive outpatient treatment services.
38 20 Upon receiving notification, the court shall proceed as
38 21 provided under subsection 4.

38 22 3. At any time upon a finding by a treating psychiatrist,
38 23 psychiatric advanced registered nurse practitioner, or
38 24 licensed doctorate=level psychologist that there is no
38 25 substantial probability that the defendant will be restored to
38 26 competency in a reasonable amount of time, the psychiatrist,
38 27 psychiatric advanced registered nurse practitioner, or
38 28 licensed doctorate=level psychologist providing outpatient
38 29 treatment to the defendant or the director of the inpatient
38 30 facility shall immediately notify the court. Upon receiving
38 31 notification, the court shall proceed as provided under
38 32 subsection 4.

38 33 EXPLANATION

38 34 This bill amends provisions in Code chapter 125 and Code
38 35 chapter 229 relating to both voluntary and involuntary civil



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39 1 commitment proceedings for chronic substance abusers (Code
39 2 chapter 125) and persons with mental illness (Code chapter
39 3 229). The bill strikes Code references to "chief medical
39 4 officer" defined as the medical director in charge of a public
39 5 or private hospital, or that individual's physician=designee,
39 6 in both Code chapters 125 and 229 and related Code chapters,
39 7 and replaces the term with "licensed physician", "licensed
39 8 psychiatrist", and "psychiatric advanced registered nurse
39 9 practitioner". Current law provides a chief medical officer
39 10 with the authority to receive and admit, examine, evaluate,
39 11 provide reports including court=ordered reports, and detain
39 12 and discharge a person who is impaired due to substance abuse
39 13 or mental illness in a residential substance abuse or hospital
39 14 mental health setting in both voluntary and involuntary
39 15 situations. The bill as amended provides a licensed
39 16 physician, licensed psychiatrist, and psychiatric advanced
39 17 registered nurse practitioner with that same authority. The
39 18 bill makes such persons subject to contempt of court
39 19 proceedings pursuant to Code chapter 665 for failing to submit
39 20 court=ordered reports on chronic substance abusers and persons
39 21 with mental illness.

39 22 The bill defines a "licensed physician" to mean an
39 23 individual licensed under the provisions of Code chapter 148,
39 24 150, or 150A to practice medicine and surgery, osteopathy, or
39 25 osteopathic medicine and surgery, a "licensed psychiatrist" to
39 26 mean an individual licensed under the provisions of Code
39 27 chapter 148, 150, or 150A to practice medicine and surgery,
39 28 osteopathy, or osteopathic medicine and surgery with a
39 29 specialty in the field of psychiatry, and a "psychiatric
39 30 advanced registered nurse practitioner" to mean an individual
39 31 currently licensed as a registered nurse under Code chapter
39 32 152 or 152E who holds a national certification in psychiatric
39 33 health care and who is registered with the board of nursing as
39 34 an advanced registered nurse practitioner.

39 35 The bill amends the definition of a "qualified mental



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40 1 health professional" in Code chapter 229 to include a
40 2 physician assistant licensed under Code chapter 148C with
40 3 three years of work experience in psychiatric health care.
40 4 Current law under Code chapter 229 defines a "qualified mental
40 5 health professional" to include a psychologist certified under
40 6 Code chapter 154B, a registered nurse licensed under Code
40 7 chapter 152 and a social worker licensed under Code chapter
40 8 154C, all of whom are experienced in the study and treatment
40 9 of mental disorders.

40 10 The bill provides that a qualified mental health
40 11 professional treating a patient in a hospital or facility in
40 12 which the patient is committed may communicate with a mental
40 13 health advocate about the patient. The bill also allows a
40 14 treating qualified mental health professional to make
40 15 decisions concerning a committed mental health patient's right
40 16 to refuse treatment by shock therapy or chemotherapy and
40 17 authorizes a treating qualified mental health professional to
40 18 monitor the protection of a committed mental health patient's
40 19 rights.

40 20 The bill makes conforming Code changes to Code chapter
40 21 225C, pertaining to a patient who is received and evaluated at
40 22 a state mental health institute due to a mental illness,
40 23 retardation, developmental disability, or brain injury, and
40 24 Code chapter 227, pertaining to county and mental hospitals
40 25 serving persons with mental illness and mental retardation.

40 26 The bill authorizes a licensed physician, licensed
40 27 psychiatrist, or advanced registered nurse practitioner to
40 28 attest to a person's physical or mental capability to operate
40 29 a motor vehicle safely in regard to special instruction
40 30 permits under Code section 321.180A.

40 31 The bill authorizes a licensed physician, licensed
40 32 psychiatrist, or psychiatric advanced registered nurse
40 33 practitioner to apply for special fishing licenses on behalf
40 34 of certain persons, including but not limited to persons who
40 35 are patients of a substance abuse facility and certain health



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41 1 care facilities, disabled veterans, and permanently disabled
41 2 persons.
41 3 The bill authorizes a psychiatric advanced registered nurse
41 4 practitioner to complete a psychiatric evaluation and provide
41 5 status reports on a defendant in a criminal case suffering
41 6 from a mental disorder.
41 7 LSB 6350SS 82
41 8 rh/rj/5.1



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Senate File 2291 - Introduced

SENATE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 3201)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act concerning department of administrative services
- 2 operations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5424SV 82
- 5 ec/nh/5



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1 1 Section 1. Section 8.6, Code Supplement 2007, is amended
1 2 by adding the following new subsection:
1 3 NEW SUBSECTION. 16. DESIGNATION OF SERVICES == FUNDING ==
1 4 CUSTOMER COUNCILS.
1 5 a. Establish a process by which the department, in
1 6 consultation with the department of administrative services,
1 7 shall determine which services provided by the department of
1 8 administrative services shall be funded by an appropriation
1 9 and which services shall be funded by the governmental entity
1 10 receiving the service.
1 11 b. Establish a process for determining whether the
1 12 department of administrative services shall be the sole
1 13 provider of a service for purposes of those services which the
1 14 department determines under paragraph "a" are to be funded by
1 15 the governmental entities receiving the service.
1 16 c. Establish, by rule, a customer council responsible for
1 17 overseeing the services provided solely by the department of
1 18 administrative services. The rules adopted shall provide for
1 19 all of the following:
1 20 (1) The method of appointment of members to the council by
1 21 the governmental entities required to receive the services.
1 22 (2) The duties of the customer council which shall be as
1 23 follows:
1 24 (a) Annual review and approval of the department of
1 25 administrative services' business plan regarding services
1 26 provided solely by the department of administrative services.
1 27 (b) Annual review and approval of the procedure for
1 28 resolving complaints concerning services provided by the
1 29 department of administrative services.
1 30 (c) Annual review and approval of the procedure for
1 31 setting rates for the services provided solely by the
1 32 department of administrative services.
1 33 (3) A process for receiving input from affected
1 34 governmental entities as well as for a biennial review by the
1 35 customer council of the determinations made by the department



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2 1 of which services are funded by an appropriation to the
2 2 department of administrative services and which services are
2 3 funded by the governmental entities receiving the service,
2 4 including any recommendations as to whether the department of
2 5 administrative services shall be the sole provider of a
2 6 service funded by the governmental entities receiving the
2 7 service. The department, in consultation with the department
2 8 of administrative services, may change the determination of a
2 9 service if it is determined that the change is in the best
2 10 interests of those governmental entities receiving the
2 11 service.

2 12 d. If a service to be provided may also be provided to the
2 13 judicial branch and legislative branch, then the rules shall
2 14 provide that the chief justice of the supreme court and the
2 15 legislative council may, in their discretion, each appoint a
2 16 member to the customer council.

2 17 Sec. 2. NEW SECTION. 8A.111 REPORTS REQUIRED.

2 18 The department shall provide all of the following reports:

2 19 1. An annual report of the department as required under
2 20 section 7E.3, subsection 4.

2 21 2. Internal service fund service business plans and
2 22 financial reports as required under section 8A.123, subsection
2 23 5, paragraph "a", and an annual internal service fund
2 24 expenditure report as required under section 8A.123,
2 25 subsection 5, paragraph "b".

2 26 3. An annual report regarding total spending on technology
2 27 as required under section 8A.204, subsection 3, paragraph "a".

2 28 4. An annual report of expenditures from the IowAccess
2 29 revolving fund as provided in section 8A.224.

2 30 5. A technology audit of the electronic transmission
2 31 system as required under section 8A.223.

2 32 6. An annual report on state purchases of recycled and
2 33 soybean-based products as required under section 8A.315,
2 34 subsection 1, paragraph "d".

2 35 7. An annual report on the status of capital projects as



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3 1 required under section 8A.321, subsection 11.
3 2 8. An annual salary report as required under section
3 3 8A.341, subsection 2.
3 4 9. An annual average fuel economy standards compliance
3 5 report as required under section 8A.362, subsection 4,
3 6 paragraph "c".
3 7 10. An annual report of the capitol planning commission as
3 8 required under section 8A.373.
3 9 11. A comprehensive annual financial report as required
3 10 under section 8A.502, subsection 8.
3 11 12. An annual report on the condition of affirmative
3 12 action, diversity, and multicultural programs as provided
3 13 under section 19B.5, subsection 2.
3 14 13. An unpaid warrants report as required under section
3 15 25.2, subsection 3, paragraph "b".
3 16 14. A report on educational leave as provided under
3 17 section 70A.25.
3 18 15. A monthly report regarding the revitalize Iowa's sound
3 19 economy fund as required under section 315.7.
3 20 Sec. 3. Section 8A.202, subsection 2, paragraph e, Code
3 21 2007, is amended by striking the paragraph.
3 22 Sec. 4. Section 305.10, subsection 1, paragraph h, Code
3 23 2007, is amended to read as follows:
3 24 h. Prepare all mandated reports, newsletters, and
3 25 publications for electronic distribution in accordance with
3 26 government information policies, standards, and guidelines. A
~~3 27 reference copy of all mandated reports, newsletters, and~~
~~3 28 publications shall be located at an electronic repository for~~
~~3 29 public access to be developed and maintained by the department~~
~~3 30 of administrative services in consultation with the state~~
~~3 31 librarian and the state archivist.~~
3 32 Sec. 5. Section 8A.121, Code 2007, is repealed.
3 33 EXPLANATION
3 34 This bill concerns department of administrative services
3 35 operations.



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4 1 The bill provides that the department of management, and
4 2 not the department of administrative services, is responsible
4 3 for determining which services provided by the department of
4 4 administrative services shall be funded by an appropriation
4 5 and which services will be funded by the government entities
4 6 receiving the service. The bill requires the department of
4 7 management to consult with the department of administrative
4 8 services in making this determination. The bill also provides
4 9 that the department of management is responsible for
4 10 determining which services that will be funded by the
4 11 government entities shall be solely provided by the department
4 12 of administrative services. For those services solely
4 13 provided by the department of administrative services, the
4 14 bill provides for the department of management to establish a
4 15 customer council responsible for reviewing the department of
4 16 administrative services' business plan and setting the rates
4 17 charged government entities regarding the services provided.
4 18 Code section 8A.121, which provided that the department of
4 19 administrative services is responsible for these duties, is
4 20 repealed.

4 21 New Code section 8A.111 lists reports that the department
4 22 of administrative services is required to prepare or produce
4 23 under current law.

4 24 Code section 305.10, concerning agency records, is amended
4 25 to eliminate the requirement that all mandated reports for
4 26 each agency be located at an electronic repository for public
4 27 access developed and maintained by the department of
4 28 administrative services.

4 29 LSB 5424SV 82

4 30 ec/nh/5



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Senate File 2292 - Introduced

SENATE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3028)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act expanding the time period during which a complaint may be
- 2 filed with the Iowa civil rights commission.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5324SV 82
- 5 rh/rj/8



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Senate File 2292 - Introduced continued

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1 1 Section 1. Section 216.15, subsection 12, Code Supplement
1 2 2007, is amended to read as follows:
1 3 12. Except as provided in section 614.8, a claim under
1 4 this chapter shall not be maintained unless a complaint is
1 5 filed with the commission within ~~one~~ three hundred ~~eighty~~
1 6 after the alleged discriminatory or unfair practice occurred.

1 7 EXPLANATION

1 8 This bill expands the time period during which a complaint
1 9 may be filed with the Iowa civil rights commission from 180 to
1 10 300 days after the alleged discriminatory or unfair practice
1 11 occurred.

1 12 The Iowa civil rights commission enforces state and federal
1 13 statutes that prohibit discrimination in employment, public
1 14 accommodations, housing, education, and credit by
1 15 investigating and litigating civil rights complaints.

1 16 LSB 5324SV 82

1 17 rh/rj/8



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Senate File 2293 - Introduced

SENATE FILE

BY BEALL, APPEL, BLACK,
BOLKCOM, DVORSKY, and
QUIRMBACH

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Approved

Passed House, Date _____

Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act providing for the regulation of persons involved in
2 keeping pets and other animals, and making penalties
3 applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 6378XS 82
6 da/nh/14



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1 1 Section 1. Section 162.2, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 8A. "Department" means the department of
1 4 agriculture and land stewardship.

1 5 Sec. 2. Section 162.2, subsection 12, unnumbered paragraph
1 6 1, Code 2007, is amended to read as follows:

1 7 "Pet shop" means an establishment where a dog, cat, rabbit,
1 8 rodent, nonhuman primate, fish other than live bait, bird, or
1 9 other vertebrate animal is bought, sold, exchanged, or offered
1 10 for sale. "Pet shop" includes an establishment located in
1 11 this state in which such animals are bought, sold, or

1 12 exchanged, or offered for sale to the general public by
1 13 accessing the internet. However, a pet shop does not include
1 14 an establishment if one of the following applies:

1 15 Sec. 3. Section 162.7, Code 2007, is amended to read as
1 16 follows:

1 17 162.7 DEALER LICENSE == LIMITATIONS.

1 18 1. A person shall not operate as a dealer unless the
1 19 person has obtained a license issued by the secretary or
1 20 unless the person has obtained a certificate of registration
1 21 issued by the secretary if the kennel is federally licensed.
1 22 Application for the license or the certificate shall be made
1 23 in the manner provided by the secretary. The license and
1 24 certificate expire one year from date of issue unless revoked.
1 25 The license fee is one hundred dollars per year and the
1 26 certification fee is twenty dollars per year. The license may
1 27 be renewed upon application and payment of the fee in the
1 28 manner provided by the secretary if the licensee has conformed
1 29 to all statutory and regulatory requirements. The certificate
1 30 may be renewed upon application and payment of the fee in the
1 31 manner provided by the secretary.

1 32 2. A dealer shall not breed, buy for resale, sell, or
1 33 exchange more than twenty litters of domestic dogs or cats in
1 34 any twelve-month period, or breed, buy for resale, sell, or
1 35 exchange more than one hundred domestic dogs or cats in any



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2 1 twelve-month period. This subsection does not apply to
2 2 nonprofit animal welfare activities performed by an animal
2 3 shelter or pound.
2 4 Sec. 4. Section 162.8, Code 2007, is amended to read as
2 5 follows:
2 6 162.8 COMMERCIAL BREEDER'S LICENSE ==LIMITATIONS.
2 7 1. A person shall not operate as a commercial breeder
2 8 unless the person has obtained a license issued by the
2 9 secretary or unless the person has obtained a certificate of
2 10 registration issued by the secretary if the kennel is
2 11 federally licensed. Application for the license or the
2 12 certificate shall be made in the manner provided by the
2 13 secretary. The annual license or the certification period
2 14 expires one year from date of issue. The license fee is forty
2 15 dollars per year and the certificate fee is twenty dollars per
2 16 year. The license may be renewed upon application and payment
2 17 of the prescribed fee in the manner provided by the secretary
2 18 if the licensee has conformed to all statutory and regulatory
2 19 requirements. The certificate may be renewed upon application
2 20 and payment of the prescribed fee in the manner provided by
2 21 the secretary.
2 22 2. A commercial breeder shall not breed, sell, exchange,
2 23 or lease more than twenty litters of domestic dogs or cats in
2 24 any twelve-month period, or breed, sell, exchange, or lease
2 25 more than one hundred domestic dogs or cats in any
2 26 twelve-month period. This subsection shall not apply to
2 27 nonprofit animal welfare activities performed by an animal
2 28 shelter or pound.
2 29 Sec. 5. Section 162.11, subsection 2, Code 2007, is
2 30 amended to read as follows:
2 31 2. The certificate of registration may be denied or
2 32 revoked if the person no longer possesses a current and valid
2 33 federal license. Other than obtaining the certificate of
2 34 registration from the secretary, any dealer or commercial
2 35 breeder and any person who operates a commercial kennel or



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3 1 public auction shall not be subject to further regulation
3 2 under the provisions of this chapter. However, the department
3 3 may inspect a commercial kennel or public auction that
3 4 possesses a current and valid federal license upon a complaint
3 5 received by the department.

3 6 EXPLANATION

3 7 This bill amends Code chapter 162, which regulates persons
3 8 involved in keeping pets and other animals, such as a pet
3 9 shop. The Code chapter also regulates dealers, commercial
3 10 brokers, commercial breeders, commercial kennels, or public
3 11 auctions that are licensed by the department of agriculture
3 12 and land stewardship or exempt from regulation because they
3 13 are licensed by the federal government.

3 14 The bill amends Code section 162.2 to provide that a pet
3 15 shop includes an establishment located in this state in which
3 16 animals are bought, sold, or exchanged, or offered for sale to
3 17 the general public by accessing the internet.

3 18 The bill amends Code chapter 162.7 applying to dealers and
3 19 Code section 162.8 applying to commercial breeders to provide
3 20 that such person cannot engage in breeding or a commercial
3 21 transaction involving more than 20 or more litters of domestic
3 22 dogs or cats in any 12-month period or 100 or more domestic
3 23 dogs or cats in any 12-month period. The restrictions do not
3 24 apply to an animal shelter or pound.

3 25 The bill amends Code section 162.11, which exempts a
3 26 dealer, commercial breeder, commercial kennel, or public
3 27 auction from state regulation under the Code chapter, if they
3 28 have obtained a federal license. The bill provides that the
3 29 department may inspect a federally licensed commercial kennel
3 30 or public auction upon a complaint received by the department.

3 31 LSB 6378XS 82

3 32 da/nh/14



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Senate File 2294 - Introduced

SENATE FILE
BY KETTERING

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

A BILL FOR

1 An Act relating to the maximum amount of property taxes due or
2 rent constituting property taxes paid that may be considered
3 in calculating the elderly and disabled property tax credit or
4 rent reimbursement and including an applicability date
5 provision.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 5831XS 82
8 mg/sc/24



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1 1 Section 1. Section 425.24, Code 2007, is amended to read
1 2 as follows:

1 3 425.24 MAXIMUM PROPERTY TAX FOR PURPOSE OF CREDIT OR
1 4 REIMBURSEMENT.

1 5 1. In any case in which property taxes due or rent
1 6 constituting property taxes paid for any household exceeds one
1 7 thousand five hundred dollars, the amount of property taxes
1 8 due or rent constituting property taxes paid shall be deemed
1 9 to have been one thousand five hundred dollars for purposes of
1 10 this division.

1 11 2. a. For the base year beginning in the 2010 calendar
1 12 year and for each subsequent base year, the maximum dollar
1 13 amount set forth in subsection 1 shall be multiplied by the
1 14 cumulative adjustment factor for that base year. "Cumulative
1 15 adjustment factor" means the product of the annual adjustment
1 16 factor for the 2009 base year and all annual adjustment
1 17 factors for subsequent base years. The cumulative adjustment
1 18 factor applies to the base year beginning in the calendar year
1 19 for which the latest annual adjustment factor has been
1 20 determined.

1 21 b. The annual adjustment factor for the 2009 base year is
1 22 one hundred percent. For each subsequent base year, the
1 23 annual adjustment factor equals the annual inflation factor
1 24 for the calendar year in which the base year begins, as
1 25 computed in section 422.4 for purposes of the individual
1 26 income tax.

1 27 Sec. 2. Section 25B.7 does not apply to the provisions of
1 28 this Act.

1 29 Sec. 3. APPLICABILITY DATE. This Act applies to claims
1 30 for credit for property taxes due and claims for rent
1 31 constituting property taxes paid that are filed on or after
1 32 January 1, 2009.

1 33 EXPLANATION

1 34 This bill increases from \$1,000 to \$1,500 the maximum
1 35 amount of property taxes due or rent constituting property



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2 1 taxes paid that may be considered in calculating the elderly
2 2 and disabled property tax credit or rent reimbursement. The
2 3 bill provides for the adjustment of the \$1,500 maximum amount
2 4 by an inflation factor that is based on the inflation factor
2 5 used for the rate schedule under the individual income tax.
2 6 The bill applies to claims filed on or after July 1, 2009.
2 7 LSB 5831XS 82
2 8 mg/sc/24



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Senate File 2295 - Introduced

SENATE FILE
BY DEARDEN

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

A BILL FOR

- 1 An Act relating to operating a motor vehicle while fatigued and
- 2 providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6060XS 82
- 5 dea/rj/5



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1 1 Section 1. Section 321.209, Code 2007, is amended by
 1 2 adding the following new subsection:
 1 3 NEW SUBSECTION. 8. Conviction of driving while fatigued
 1 4 that causes the death of another in violation of section
 1 5 707.6A, subsection 3A.
 1 6 Sec. 2. NEW SECTION. 321.277B DRIVING WHILE FATIGUED.
 1 7 1. For purposes of this section, "fatigued" means being
 1 8 awake for more than twenty-four consecutive hours.
 1 9 2. Unless otherwise provided by law, a person shall not
 1 10 operate any motor vehicle while knowingly fatigued.
 1 11 3. A person who violates this section commits a simple
 1 12 misdemeanor.
 1 13 Sec. 3. Section 321.555, subsection 1, Code 2007, is
 1 14 amended by adding the following new paragraph:
 1 15 NEW PARAGRAPH. i. Serious injury by a vehicle in
 1 16 violation of section 707.6A, subsection 4A.
 1 17 Sec. 4. Section 707.6A, Code 2007, is amended by adding
 1 18 the following new subsections:
 1 19 NEW SUBSECTION. 3A. A person commits a class "D" felony
 1 20 when the person unintentionally causes the death of another by
 1 21 operating a motor vehicle while knowingly fatigued in
 1 22 violation of section 321.277B.
 1 23 NEW SUBSECTION. 4A. A person commits an aggravated
 1 24 misdemeanor when the person unintentionally causes a serious
 1 25 injury to another, as defined in section 321J.1, by operating
 1 26 a motor vehicle while knowingly fatigued in violation of
 1 27 section 321.277B.
 1 28 EXPLANATION
 1 29 This bill relates to operating a motor vehicle while
 1 30 fatigued and providing penalties.
 1 31 The bill provides that a person shall not operate a motor
 1 32 vehicle while the person is knowingly fatigued. The bill
 1 33 defines "fatigued" to mean being awake for more than 24
 1 34 consecutive hours.
 1 35 Under the bill, a person who operates a motor vehicle while



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2 1 knowingly fatigued commits a simple misdemeanor. The bill
2 2 also provides that a person who operates a motor vehicle while
2 3 knowingly fatigued commits a class "D" felony if the person
2 4 unintentionally causes the death of another, or an aggravated
2 5 misdemeanor if the person unintentionally causes a serious
2 6 injury to another.

2 7 Under the bill, a person convicted of driving while
2 8 fatigued shall have the driver's license or operating
2 9 privileges of the person revoked, pursuant to Code sections
2 10 321.209 and 321.212, for a period of up to one year if the
2 11 person caused the death of another. The person may be
2 12 eligible for a temporary restricted license pursuant to Code
2 13 section 321.215 but is required to pay a civil penalty in the
2 14 amount of \$50 or \$200 prior to receiving a temporary
2 15 restricted license or reinstatement of operating privileges
2 16 pursuant to Code section 321.218A.

2 17 Under the bill, a conviction for the offense of driving
2 18 while fatigued which causes serious injury is included in the
2 19 combination of offenses that determine if a person is a
2 20 habitual offender pursuant to Code section 321.555.

2 21 Upon a conviction for driving while fatigued, a person who
2 22 caused the death of another is liable for any county medical
2 23 examiner fees as provided in Code section 331.802, subsection
2 24 2.

2 25 A simple misdemeanor is punishable by confinement for no
2 26 more than 30 days or a fine of at least \$65 but not more than
2 27 \$625 or by both. An aggravated misdemeanor is punishable by
2 28 confinement for no more than two years and a fine of at least
2 29 \$625 but not more than \$6,250. A class "D" felony is
2 30 punishable by confinement for no more than five years and a
2 31 fine of at least \$750 but not more than \$7,500.

2 32 LSB 6060XS 82

2 33 dea/rj/5



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Senate File 2296 - Introduced

SENATE FILE
BY BOLKCOM

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

A BILL FOR

- 1 An Act relating to nurse staffing levels in hospitals and
- 2 providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6049XS 82
- 5 jr/nh/8



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1 1 Section 1. NEW SECTION. 135B.35 TITLE.
1 2 This division may be cited as the "Hospital Staffing Plans
1 3 Act".
1 4 Sec. 2. NEW SECTION. 135B.36 DEFINITIONS.
1 5 As used in this division:
1 6 1. "Department" means the department of public health.
1 7 2. "Director" means the director of the department of
1 8 public health.
1 9 3. "Intensity" means the level of patient needs as
1 10 determined by a registered nurse providing direct patient
1 11 care, taking into account at least all of the following
1 12 factors:
1 13 a. The severity and urgency of the patient's admitting
1 14 condition.
1 15 b. Scheduled procedures.
1 16 c. The patient's ability to meet health care requisites.
1 17 d. The patient's availability of social supports.
1 18 e. The age and functional ability of the patient.
1 19 f. Communication skills of the patient.
1 20 g. Other needs identified by the patient and the
1 21 registered nurse.
1 22 4. "Patient care unit" means any unit of a hospital that
1 23 provides patient care.
1 24 5. "Skill mix" means the number of registered nurses,
1 25 licensed practical nurses, and other personnel providing
1 26 direct patient care.
1 27 6. "State board" means the state board of health.
1 28 Sec. 3. NEW SECTION. 135B.37 STAFFING COMMITTEE.
1 29 Each hospital shall appoint a staffing committee to assist
1 30 in the development and implementation of a staffing plan for
1 31 the hospital. At least one-half of the members of the
1 32 staffing committee shall be registered nurses currently
1 33 providing direct patient care in the hospital. If the
1 34 registered nurses employed by the hospital have elected a
1 35 collective bargaining representative, the registered nurse



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2 1 representatives on the staffing committee shall be selected by
2 2 the collective bargaining representative. Participation in
2 3 the staffing committee shall be considered part of the
2 4 employee's regularly scheduled work hours.

2 5 Sec. 4. NEW SECTION. 135B.38 STAFFING PLAN FOR NURSING
2 6 SERVICES.

2 7 1. By July 1, 2009, each hospital shall develop and
2 8 implement a staffing plan for nursing services. The hospital
2 9 shall collaborate with its staffing committee in the
2 10 development and implementation of the staffing plan. The
2 11 hospital shall file the staffing plan with the department,
2 12 post the staffing plan for each patient care unit in the
2 13 appropriate patient care unit in the hospital, and provide a
2 14 copy of the applicable staffing plan to a current or
2 15 prospective patient of a patient care unit upon request. The
2 16 hospital, in collaboration with its staffing committee, shall
2 17 review and update its staffing plan annually and file any
2 18 updated staffing plan with the department. The department
2 19 shall include each hospital's current staffing plan on the
2 20 hospital report card developed and made available pursuant to
2 21 section 135B.45.

2 22 2. A hospital staffing plan shall do all of the following:

2 23 a. Set the minimum skill mix required in each patient care
2 24 unit in the hospital based on the following criteria:

2 25 (1) Patient census information, including patient
2 26 discharges, admissions, and transfers.

2 27 (2) Level of intensity of all patients and the nature of
2 28 the care to be delivered on each shift.

2 29 (3) The skill level, experience, and specialty
2 30 certification or training of those persons providing care in
2 31 the unit.

2 32 (4) The need for specialized or intensive equipment.

2 33 b. Include appropriate limits on the use of agency and
2 34 traveling nurses.

2 35 c. Be consistent with the scopes of practice of registered



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3 1 nurses and licensed practical nurses and the authorized duties
3 2 of other personnel providing direct patient care.

3 3 d. Include adequate administrative staff in each patient
3 4 care unit to ensure that nurses providing direct patient care
3 5 are not hindered in the delivery of that care.

3 6 e. Include a process for an annual internal review by the
3 7 staffing committee that ensures compliance with the staffing
3 8 plan, provides for review of incidents and staff concerns, and
3 9 tracks staffing patterns and the number of patients and their
3 10 acuity.

3 11 f. Comply with and not diminish existing standards in any
3 12 applicable collective bargaining agreement.

3 13 Sec. 5. NEW SECTION. 135B.39 HOSPITAL STAFFING.

3 14 1. A hospital shall staff each patient care unit in
3 15 accordance with its staffing plan. The hospital may deviate
3 16 from a staffing plan in cases of emergency, as determined by
3 17 the hospital. The hospital shall make a record of any
3 18 deviation from a staffing plan and report the deviation to the
3 19 department in a manner determined by the department by rule.

3 20 2. A hospital shall maintain and post a list of qualified,
3 21 on-call nursing staff and nursing services that may be called
3 22 to provide replacement staff in the event of sickness,
3 23 vacations, vacancies, and other absences of nursing staff.
3 24 The list shall provide a sufficient number of replacement
3 25 staff for the hospital on a regular basis.

3 26 Sec. 6. NEW SECTION. 135B.40 RECORDKEEPING AND
3 27 REPORTING.

3 28 1. A hospital shall maintain accurate daily records
3 29 containing all of the following:

3 30 a. The number of patients present in each patient care
3 31 unit at the end of each standard shift within the hospital.

3 32 b. The number of admissions, discharges, transfers, and
3 33 observation patients in each patient care unit during each
3 34 shift.

3 35 c. The skill mix in each patient care unit during each



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4 1 shift.

4 2 2. The daily records shall be retained for at least seven
4 3 years and shall be made available upon request to the
4 4 department and the staffing committee.

4 5 3. At least twice a year, a hospital shall collect and
4 6 submit to the department the following nurse staffing
4 7 information:

4 8 a. The mix of registered nurses, licensed practical
4 9 nurses, and other personnel caring for patients as a
4 10 percentage of the total of all nursing care hours in each
4 11 patient care unit.

4 12 b. The total nursing care hours provided per patient day
4 13 in each patient care unit.

4 14 c. The average number of pressure ulcers per patient.

4 15 d. The average number of patient falls per one thousand
4 16 patient days.

4 17 Sec. 7. NEW SECTION. 135B.41 RETALIATION PROHIBITED.

4 18 A hospital shall not retaliate against or intimidate an
4 19 employee for performing any duties or responsibilities in
4 20 connection with participation on the staffing committee. A
4 21 hospital shall not retaliate against or intimidate an employee
4 22 who notifies the staffing committee, the hospital's
4 23 administration, or the department that a staffing schedule for
4 24 a patient care unit fails to comply with the posted staffing
4 25 plan or that the hospital has failed to develop or implement a
4 26 staffing plan as required by this division.

4 27 Sec. 8. NEW SECTION. 135B.42 PENALTIES.

4 28 1. The department shall investigate complaints of
4 29 violations of this division and may impose civil penalties,
4 30 not to exceed five thousand dollars per day per violation, or
4 31 suspend or revoke a hospital's license for a violation of this
4 32 division. Each violation of a staffing plan shall be
4 33 considered a separate violation.

4 34 2. The department shall maintain, and make available to
4 35 the public, records of any civil penalties, administrative



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5 1 actions, or license suspensions or revocations imposed on
5 2 hospitals for a violation of this section.
5 3 Sec. 9. NEW SECTION. 135B.43 REPORT TO THE GENERAL
5 4 ASSEMBLY.
5 5 The department shall submit an annual report to the general
5 6 assembly regarding hospital staffing plans, including
5 7 information pertaining to hospital compliance with the
5 8 requirements of this division. The department shall make the
5 9 report available to the public.
5 10 Sec. 10. NEW SECTION. 135B.44 RULES.
5 11 The state board shall adopt rules as necessary to implement
5 12 this division.
5 13 Sec. 11. NEW SECTION. 135B.45 HOSPITAL REPORT CARD ==
5 14 STAFFING PLANS.
5 15 1. The director shall establish an Iowa hospital report
5 16 card consisting of the data assembled pursuant to this
5 17 division, including the hospital staffing plans required by
5 18 section 135B.38, and the nurse staffing information required
5 19 by section 135B.40. At a minimum, the data, hospital staffing
5 20 plans, and nurse staffing information shall be made available
5 21 on an internet web site in a manner that allows consumers to
5 22 conduct an interactive search that allows them to view and
5 23 compare the information for specific hospitals. The web site
5 24 shall include such additional information as is determined
5 25 necessary to ensure that the web site enhances informed
5 26 decision making among consumers and health care purchasers,
5 27 which shall include, at a minimum, appropriate guidance on how
5 28 to use the data, hospital staffing plans, and nurse staffing
5 29 information and an explanation of why the data, hospital
5 30 staffing plans, or nurse staffing information may vary from
5 31 hospital to hospital. All information specified in this
5 32 subsection shall be released on or before July 1, 2010, and
5 33 shall be updated on a regular basis.
5 34 2. Prior to the completion of the Iowa hospital report
5 35 card, the director shall ensure that every hospital is allowed



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6 1 thirty days within which to examine the data, hospital
6 2 staffing plans, and nurse staffing information and submit
6 3 comments for consideration and inclusion in the final Iowa
6 4 hospital report card.

6 5 EXPLANATION

6 6 This bill requires, by July 1, 2009, hospitals to develop
6 7 staffing plans that establish the minimum number of registered
6 8 nurses, licensed practical nurses, and other personnel
6 9 providing direct patient care required in each patient care
6 10 unit in the hospitals. Each hospital must appoint a staffing
6 11 committee to assist in the development and implementation of a
6 12 staffing plan. At least one-half of the members of the
6 13 committee must be registered nurses currently providing direct
6 14 patient care in the hospital.

6 15 Plans must be filed with the department of public health
6 16 and be made available to patients upon request. The bill
6 17 requires hospitals to staff each patient care unit as provided
6 18 in the staffing plan. However, the bill does allow a
6 19 modification to the staffing plan for a particular patient
6 20 care unit in an emergency. Hospitals must maintain accurate
6 21 daily records and submit nurse staffing information to the
6 22 department at least semiannually.

6 23 The bill prohibits a hospital from retaliating against an
6 24 employee for participating on the staffing committee or
6 25 notifying the staffing committee, the hospital's
6 26 administration, or the department of a deviation from a
6 27 staffing plan or failure to develop or implement a staffing
6 28 plan.

6 29 The bill requires the department to investigate complaints
6 30 of violations. The department may impose civil penalties up
6 31 to five thousand dollars per day per violation, or suspend or
6 32 revoke a hospital's license for violation of these
6 33 requirements. Each violation of a staffing plan shall be
6 34 considered a separate violation.

6 35 The bill directs the director of public health to establish



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7 1 a hospital report card. The report card consists of the data
7 2 collected pursuant to these provisions, including the hospital
7 3 staffing plans, and the nurse staffing information. This
7 4 information is to be available on an internet web site. The
7 5 web site must include additional information as necessary to
7 6 ensure that the web site enhances informed decision making
7 7 among consumers and health care purchasers. The information
7 8 shall be released on or before July 1, 2010, and shall be
7 9 updated regularly.

7 10 The bill requires the department to submit an annual report
7 11 to the general assembly regarding hospital compliance with
7 12 these requirements.

7 13 LSB 6049XS 82

7 14 jr/nh/8



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SENATE FILE
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SF 2005)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing a method for the acquisition of title to
- 2 abandoned vacant lots by cities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5052SV 82
- 5 md/sc/8



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1 1 Section 1. Section 657A.1, subsection 1, Code 2007, is
1 2 amended to read as follows:

1 3 1. "Abandoned" or "abandonment" means one or more of the
1 4 following:

1 5 a. ~~that~~ That a building has remained vacant and has been
1 6 in violation of the housing code of the city in which the
1 7 property is located or the housing code applicable in the
1 8 county in which the property is located if outside the limits
1 9 of a city for a period of six consecutive months.

1 10 b. That a building has been declared by a court to be
1 11 abandoned or in an unsafe condition pursuant to section 657A.2
1 12 or that a building has been declared by a court to be
1 13 abandoned pursuant to section 657A.10A.

1 14 c. That a vacant lot has been declared by a court to be
1 15 abandoned pursuant to section 657A.10B.

1 16 Sec. 2. Section 657A.1, Code 2007, is amended by adding
1 17 the following new subsection:

1 18 NEW SUBSECTION. 8. "Vacant lot" means a lot or parcel of
1 19 property that is located within the limits of a city, that
1 20 contains no buildings or structures, and that is zoned to
1 21 allow for residential or commercial structures. "Vacant lot"
1 22 does not include property zoned for residential or commercial
1 23 use currently in use as farmland.

1 24 Sec. 3. NEW SECTION. 657A.10B PETITION BY CITY FOR TITLE
1 25 TO ABANDONED VACANT LOT.

1 26 1. A city in which an abandoned vacant lot is located may
1 27 petition the court to enter judgment awarding title to the
1 28 vacant lot to the city. The owner of the vacant lot,
1 29 mortgagees of record, lienholders of record, or other known
1 30 persons who hold an interest in the vacant lot shall be named
1 31 as respondents on the petition.

1 32 The petition shall be filed in the district court of the
1 33 county in which the vacant lot is located. Service on the
1 34 owner and any other named respondents shall be by certified
1 35 mail. The city shall also cause a notice to be published in a



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2 1 newspaper of general circulation in the city where the vacant
2 2 lot is located once each week for three consecutive weeks
2 3 following the filing of the petition. The action shall be in
2 4 equity.

2 5 2. Not sooner than sixty days after the filing of the
2 6 petition, the city may request a hearing on the petition.

2 7 3. In determining whether the vacant lot has been
2 8 abandoned, the court shall consider the following:

2 9 a. Whether any property taxes or special assessments on
2 10 the property were delinquent at the time the petition was
2 11 filed.

2 12 b. Whether any utilities are currently being provided to
2 13 the property.

2 14 c. Whether local authorities have received complaints from
2 15 neighboring landowners regarding the appearance or condition
2 16 of the property.

2 17 d. Whether the condition of the property violates a city
2 18 ordinance and how long the vacant property has been in
2 19 violation of the ordinance.

2 20 e. Whether conditions exist on the property which create
2 21 an unreasonable risk to public health or safety.

2 22 f. The presence of vermin, accumulation of debris and
2 23 garbage, and uncut vegetation.

2 24 g. The effort expended by the petitioning city to maintain
2 25 the vacant lot.

2 26 h. Past and current compliance with orders of local
2 27 government authorities pertaining to the vacant lot.

2 28 i. Any other evidence the court deems relevant.

2 29 4. In lieu of the considerations in subsection 3, if the
2 30 city can establish to the court's satisfaction that all
2 31 parties with an interest in the vacant lot have received
2 32 proper notice and either consented to the entry of an order
2 33 awarding title to the vacant lot to the city or have had an
2 34 opportunity to alleviate those conditions alleged by the city
2 35 and have failed to do so, the court shall enter judgment



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3 1 against the respondents granting the city title to the vacant
3 2 lot.

3 3 5. If the court determines that the vacant lot has been
3 4 abandoned or that subsection 4 applies, the court shall enter
3 5 judgment awarding title to the city. The title awarded to the
3 6 city shall be free and clear of any claims, liens, or
3 7 encumbrances held by the respondents.

3 8 EXPLANATION

3 9 Currently, Code section 657A.10A allows a court to transfer
3 10 title to a parcel of property containing an abandoned building
3 11 to a petitioning city if the court finds the property to be
3 12 abandoned under the factors listed in Code section
3 13 657A.10A(3). This bill enacts new Code section 657A.10B
3 14 allowing cities to petition the court to acquire title to
3 15 certain abandoned vacant lots. The bill defines vacant lot as
3 16 property that contains no buildings or structures and that is
3 17 zoned to allow for residential or commercial structures.

3 18 The bill provides that a petition for title to an abandoned
3 19 vacant lot is an action in equity and must be filed in the
3 20 district court in which the property is located. The owner of
3 21 the vacant lot and persons who hold an interest in the vacant
3 22 lot will be given notice of the petition and be named as
3 23 respondents. Not sooner than 60 days after the filing of the
3 24 petition, the city may request a hearing on the petition. New
3 25 Code section 657A.10B(3) lists factors that the court is to
3 26 consider when determining whether the vacant lot has been
3 27 abandoned.

3 28 The bill provides that if all parties with an interest in
3 29 the vacant lot have received proper notice and either
3 30 consented to the entry of an order awarding title to the
3 31 vacant lot to the city or did not alleviate the conditions
3 32 alleged by the petitioning city within 60 days after the
3 33 filing of the petition, the court shall grant the city title
3 34 to the vacant lot.

3 35 The bill further provides that if the court determines that



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4 1 the vacant lot has been abandoned, under Code section
4 2 657A.10B(3), the court shall enter judgment awarding title to
4 3 the city, and the title awarded to the city is free and clear
4 4 of any claims, liens, or encumbrances held by the respondents.
4 5 LSB 5052SV 82
4 6 md/sc/8



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Senate File 2298 - Introduced

SENATE FILE
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 3222)

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

A BILL FOR

- 1 An Act providing volunteer fire fighters and emergency medical
- 2 services personnel with an individual income tax credit and
- 3 including effective and applicability date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 6511SV 82
- 6 mg/rj/14



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Senate File 2298 - Introduced continued

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1 1 Section 1. Section 422.12, Code Supplement 2007, is
1 2 amended by adding the following new subsection:
1 3 NEW SUBSECTION. 2A. a. A volunteer fire fighter and
1 4 volunteer emergency medical services personnel credit equal to
1 5 the amount specified in paragraph "b" to compensate the
1 6 taxpayer for the voluntary services.
1 7 b. The amount of the credit is equal to the following:
1 8 (1) For tax years beginning in the 2010 calendar year,
1 9 twenty=five dollars.
1 10 (2) For tax years beginning in the 2011 calendar year,
1 11 fifty dollars.
1 12 (3) For tax years beginning in the 2012 calendar year,
1 13 seventy=five dollars.
1 14 (4) For tax years beginning in the 2013 and subsequent
1 15 calendar years, one hundred dollars.
1 16 However, if the taxpayer is not a volunteer fire fighter or
1 17 volunteer emergency medical services personnel for the entire
1 18 tax year, the amount of the dollar credit shall be prorated
1 19 and the amount of credit shall equal the maximum amount of
1 20 credit for the tax year, divided by twelve, multiplied by the
1 21 number of months in the tax year the taxpayer was a volunteer.
1 22 The credit shall be rounded to the nearest five dollars. If
1 23 the taxpayer is a volunteer during any part of a month, the
1 24 taxpayer shall be considered a volunteer for the entire month.
1 25 If the taxpayer is a volunteer fire fighter and a volunteer
1 26 emergency medical services personnel during the same month, a
1 27 credit may be claimed for only one volunteer position for that
1 28 month.
1 29 c. The taxpayer is required to have a written statement
1 30 from the fire chief or other appropriate supervisor verifying
1 31 that the taxpayer was a volunteer fire fighter or volunteer
1 32 emergency medical services personnel for the months for which
1 33 the credit under this subsection is claimed.
1 34 d. For purposes of this subsection:
1 35 (1) "Emergency medical services personnel" means an



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2 1 emergency medical care provider, as defined in section 147A.1,
2 2 who is certified as a first responder pursuant to chapter
2 3 147A.

2 4 (2) "Volunteer fire fighter" means a volunteer fire
2 5 fighter as defined in section 85.61 who has met the minimum
2 6 training standards established by the fire service training
2 7 bureau pursuant to chapter 100B.

2 8 Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This Act takes
2 9 effect January 1, 2010, for tax years beginning on or after
2 10 that date.

2 11 EXPLANATION

2 12 This bill provides an individual income tax credit for an
2 13 individual who was a volunteer fire fighter who has met the
2 14 minimum training standards or certified volunteer emergency
2 15 medical services personnel for the entire tax year. The
2 16 credit is to compensate the individual for the volunteer
2 17 services. The amount of the credit equals \$25 for the 2010
2 18 tax year and increases by \$25 for each subsequent tax year
2 19 until the credit equals \$100. If the individual was not a
2 20 volunteer for the entire tax year, the amount of credit is
2 21 prorated based upon the months of volunteer service. A credit
2 22 may be claimed for only one volunteer position per month.

2 23 The bill takes effect January 1, 2010, for tax years
2 24 beginning on or after that date.

2 25 LSB 6511SV 82

2 26 mg/rj/14



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Senate File 2299 - Introduced

SENATE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 2239)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act creating an international trade and globalization advisory
- 2 council.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5965SV 82
- 5 tw/nh/24



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Senate File 2299 - Introduced continued

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1 1 Section 1. NEW SECTION. 2D.5 INTERNATIONAL TRADE AND
1 2 GLOBALIZATION ADVISORY COUNCIL.
1 3 1. ESTABLISHMENT AND PURPOSES. An international trade and
1 4 globalization advisory council is created to assess and
1 5 monitor the legal and economic impacts of international
1 6 agreements, international trade, and globalization on state
1 7 and local laws. In assessing and monitoring such impacts, the
1 8 council shall examine labor and workforce issues, human rights
1 9 and working conditions, economic and environmental justice,
1 10 the general business and regulatory environment, and the
1 11 preservation of state sovereignty. The council shall make
1 12 public policy recommendations to the general assembly, the
1 13 governor, Iowa's congressional delegation, and the people of
1 14 Iowa on ways to protect the state's economy, environment, and
1 15 sovereignty from the negative impacts of trade agreements and
1 16 globalization.
1 17 2. MEETINGS AND MEMBERSHIP. The council shall elect a
1 18 chairperson who shall convene the council at least twice
1 19 annually, and the membership of the council shall consist of
1 20 the following members:
1 21 a. The director of the department of economic development,
1 22 or the director's designee.
1 23 b. The director of the department of workforce
1 24 development, or the director's designee.
1 25 c. The director of the department of natural resources, or
1 26 the director's designee.
1 27 d. The attorney general, or the attorney general's
1 28 designee.
1 29 e. An economist, appointed by the governor.
1 30 f. One member representing organized labor, appointed by
1 31 the governor.
1 32 g. One member representing the business community,
1 33 appointed by the governor.
1 34 h. One member representing the agricultural community,
1 35 appointed by the governor.



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2 1 i. One member representing the environmental protection
2 2 community, appointed by the governor.
2 3 j. One member representing the regents institutions,
2 4 appointed by the governor.
2 5 k. Four members serving in an ex officio, nonvoting
2 6 capacity, appointed as follows:
2 7 (1) One member of the senate, appointed by the majority
2 8 leader of the senate.
2 9 (2) One member of the senate, appointed by the minority
2 10 leader of the senate.
2 11 (3) One member of the house of representatives, appointed
2 12 by the speaker of the house of representatives.
2 13 (4) One member of the house of representatives, appointed
2 14 by the minority leader of the house of representatives.
2 15 3. TERMS AND EXPENSES.
2 16 a. The members of the council appointed by the governor
2 17 shall be appointed for three-year staggered terms beginning
2 18 and ending as provided in section 69.19. A vacancy on the
2 19 council shall be filled for the unexpired term in the same
2 20 manner as the original appointment was made.
2 21 b. The members of the council shall be reimbursed for
2 22 actual and necessary travel and related expenses incurred in
2 23 the discharge of official duties. Each member of the council
2 24 may also be eligible to receive compensation as provided in
2 25 section 7E.6.
2 26 c. A majority of the voting members of the council
2 27 constitutes a quorum, and a majority of the total voting
2 28 membership of the council is necessary to act in any matter
2 29 within the jurisdiction of the council.
2 30 4. POWERS AND DUTIES.
2 31 a. The council shall hold public hearings at various
2 32 places throughout the state in order to hear public testimony
2 33 and recommendations from the people of the state and from
2 34 qualified experts.
2 35 b. The council shall conduct an annual assessment of the



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3 1 impacts of international trade agreements on the state laws,
3 2 economy, workforce, and sovereignty and shall by December 31
3 3 of each year make an annual report of the council's assessment
3 4 to the governor and the general assembly.

3 5 c. The council shall maintain active communications with
3 6 government agencies, nonprofit organizations, and businesses
3 7 regarding developments in international trade and
3 8 globalization.

3 9 d. The council may recommend legislation to the general
3 10 assembly.

3 11 e. The council may make a recommendation as to whether the
3 12 general assembly should consent to be bound by an existing or
3 13 pending international trade agreement.

3 14 f. The council may seek and accept outside funding to
3 15 fulfill the council's duties.

3 16 EXPLANATION

3 17 This bill establishes an advisory council on international
3 18 trade and globalization.

3 19 The bill creates the council, provides for the appointment
3 20 of certain state officials and members of the public to serve
3 21 on the council, directs the council to hold public hearings,
3 22 requires the council to assess and monitor developments in
3 23 trade and globalization, and requires the council to make an
3 24 annual report to the governor and the general assembly
3 25 containing its assessment.

3 26 LSB 5965SV 82

3 27 tw/nh/24



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Senate File 2300 - Introduced

SENATE FILE
BY KETTERING

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act providing a sales tax exemption from the sale of clothing.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3 TLSB 5969XS 82
- 4 ak/sc/8



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Senate File 2300 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.3, subsection 68, paragraph a, Code
1 2 Supplement 2007, is amended to read as follows:
1 3 a. The sales price from the sale of an article of clothing
1 4 designed to be worn on or about the human body ~~if all of the~~
~~1 5 following apply:~~

~~1 6 (1) The sales price of the article is less than one~~
~~1 7 hundred dollars.~~

~~1 8 (2) The sale takes place during a period beginning at~~
~~1 9 12:01 a.m. on the first Friday in August and ending at~~
~~1 10 midnight on the following Saturday.~~

1 11 EXPLANATION

1 12 This bill provides a sales tax exemption from the sales
1 13 price of clothing. Code section 423.3, subsection 68, is
1 14 amended to remove provisions that provided a limited exemption
1 15 previously.

1 16 LSB 5969XS 82

1 17 ak/sc/8



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Senate File 2301 - Introduced

SENATE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3227)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act making revisions and modifications to uniform finance
- 2 procedures for bonds issued by the state.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6066SV 82
- 5 rn/nh/8



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1 1 Section 1. Section 12A.1, Code Supplement 2007, is amended
1 2 to read as follows:

1 3 12A.1 DEFINITIONS.

1 4 As used in this chapter, unless the context otherwise
1 5 requires:

1 6 1. "Authorizing ~~document~~ documents" means ~~the~~ a resolution
1 7 of the issuer, an indenture of trust, or any other instrument
1 8 setting forth the terms and conditions of ~~obligations~~ bonds
1 9 issued in accordance with the provisions of this chapter.

1 10 2. "Bonds" means bonds, including refunding bonds, notes,
1 11 and other obligations issued by an issuer.

1 12 ~~2.~~ 3. "Enabling legislation" means legislation enabling
1 13 the issuance by an issuer of ~~obligations~~ bonds in accordance
1 14 with the provisions of this chapter.

1 15 ~~3.~~ 4. "Issuer" means the state, a department or public or
1 16 quasi-public agency or instrumentality of the state, or an
1 17 authority of the state, authorized to issue obligations and
1 18 enabled to issue ~~the obligations~~ bonds in accordance with the
1 19 provisions of this chapter.

1 20 ~~4. "Obligations" means notes, bonds, including refunding~~
1 21 ~~bonds, and other evidences of indebtedness of an issuer.~~

1 22 Sec. 2. Section 12A.2, Code Supplement 2007, is amended to
1 23 read as follows:

1 24 12A.2 PROVISIONS APPLICABLE.

1 25 An issuer may issue ~~obligations~~ bonds in accordance with
1 26 the provisions of this chapter if enabling legislation enacted
1 27 on or after July 1, 2007, provides that the ~~obligations~~ bonds
1 28 shall or may be issued in accordance with the provisions of
1 29 this chapter. This chapter establishes the terms, conditions,
1 30 and procedures applicable to the issuance of ~~obligations~~ bonds
1 31 by an issuer enabled to issue ~~obligations~~ bonds under this
1 32 chapter.

1 33 Sec. 3. Section 12A.3, Code Supplement 2007, is amended to
1 34 read as follows:

1 35 12A.3 ~~LIMITED~~ SPECIAL OBLIGATIONS.



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2 1 ~~Obligations~~ Bonds issued under this chapter are payable
2 2 solely out of the moneys, assets, or revenues pledged to the
2 3 payment of the ~~obligations~~ bonds pursuant to the enabling
2 4 legislation and any bond reserve funds established in
2 5 accordance with this chapter, ~~all of which may be deposited~~
~~2 6 with trustees or depositories in accordance with the~~
~~2 7 authorizing documents and pledged by the issuer to the payment~~
~~2 8 thereof and are not an obligation, indebtedness, or debt of~~
~~2 9 the state or any political subdivision of the state within the~~
~~2 10 meaning of any constitutional or statutory debt limitations.~~
2 11 ~~Obligations~~ Bonds issued under this chapter shall contain a
2 12 statement that the ~~obligations~~ bonds are issued pursuant to
2 13 this chapter or the enabling legislation; are payable solely
2 14 from the moneys, assets, and revenues pledged for their
2 15 payment and any bond reserve funds established; ~~and that such~~
~~2 16 obligations do not constitute an obligation, indebtedness, or~~
~~2 17 debt of the state or any political subdivision of the state~~
~~2 18 within the meaning of any constitutional or statutory debt~~
~~2 19 limitations; and that the issuer and the state have no~~
~~2 20 obligation to satisfy any deficiency or default of any payment~~
~~2 21 of the bonds using any moneys, assets, or revenues other than~~
~~2 22 those specifically pledged in the enabling legislation for~~
~~2 23 payment of the bonds, and any bond reserve funds established~~
~~2 24 by the issuer.~~ The issuer shall not pledge the credit or
2 25 taxing power of ~~this~~ the state or any political subdivision of
2 26 ~~this~~ the state ~~or make obligations issued pursuant to this~~
~~2 27 chapter~~; create an obligation, indebtedness, or debt of the
2 28 state or any political subdivision of the state within the
2 29 meaning of any constitutional or statutory debt limitations;
2 30 or make its bonds payable out of any moneys except those
2 31 pledged in the enabling legislation and any bond reserve funds
2 32 established by the issuer.
2 33 Sec. 4. Section 12A.4, Code Supplement 2007, is amended to
2 34 read as follows:
2 35 12A.4 GENERAL POWERS.



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Senate File 2301 - Introduced continued

3 1 1. An issuer may issue ~~obligations~~ bonds under this
3 2 chapter and do all things necessary with respect to the
3 3 issuance of the ~~obligations~~ bonds. An issuer shall have all
3 4 of the powers necessary to issue and secure ~~obligations~~ bonds
3 5 and carry out the purposes for which the ~~obligations~~ bonds are
3 6 to be issued, including the power to secure credit enhancement
3 7 or support and to enter into agreements providing interest
3 8 rate protection, as deemed appropriate by the issuer. The
3 9 issuer may issue ~~obligations~~ bonds in principal amounts
3 10 consistent with the enabling legislation and which the issuer
3 11 determines are necessary to provide sufficient funds for the
3 12 purposes for which the ~~obligations~~ bonds are issued, and to
3 13 provide for the payment of capitalized interest on the
3 14 ~~obligations~~ bonds, the establishment of reserves to secure the
3 15 ~~obligations~~ bonds, the payment of the costs of issuance of the
3 16 ~~obligations~~ bonds, the payment of other expenditures of the
3 17 issuer incident to and necessary or convenient to carry out
3 18 the issue, and the payment of all other expenditures necessary
3 19 or convenient to carry out the purposes for which the
3 20 ~~obligations~~ bonds are issued.

3 21 2. The proceeds of ~~obligations~~ bonds issued by the issuer
3 22 and not required for immediate disbursement may be deposited
3 23 with a trustee or depository or the treasurer of state as
3 24 provided in the authorizing documents. Proceeds shall be
3 25 invested or reinvested as directed by the treasurer of state
3 26 and specified in the authorizing documents without regard to
3 27 any limitation otherwise provided by law.

3 28 3. ~~Obligations~~ Bonds shall be issued as follows:

3 29 a. In a form, issued in denominations, executed in a
3 30 manner, and payable over terms and with rights of redemption,
3 31 and subject to such other terms and conditions as prescribed
3 32 in the authorizing documents.

3 33 b. Sold at prices, at public or private sale, and in a
3 34 manner, as prescribed by the issuer. Chapters 73A, 74, 74A,
3 35 75, and 76 do not apply to the sale, issuance, or retirement



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4 1 of the ~~obligations~~ bonds if this chapter is utilized.
4 2 c. Subject to the terms, conditions, and covenants
4 3 providing for the payment of the principal, redemption
4 4 premiums, if any, interest, and other terms, conditions,
4 5 covenants, and protective provisions safeguarding payment, not
4 6 inconsistent with this chapter and as determined by the
4 7 authorizing documents.

4 8 4. ~~Obligations~~ Bonds issued under this chapter are
4 9 investment securities and negotiable instruments within the
4 10 meaning of and for purposes of the uniform commercial code,
4 11 chapter 554. ~~Obligations~~ Bonds are securities in which public
4 12 officers and bodies of this state; political subdivisions of
4 13 this state; insurance companies and associations and other
4 14 persons carrying on an insurance business; banks, trust
4 15 companies, savings associations, savings and loan
4 16 associations, and investment companies; administrators,
4 17 guardians, executors, trustees, and other fiduciaries; and
4 18 other persons authorized to invest in ~~obligations~~ bonds of the
4 19 state, may properly and legally invest funds, including
4 20 capital, in their control or belonging to them.

4 21 5. ~~Obligations~~ Bonds must be authorized by ~~a trust~~
~~indenture, resolution, or other instrument of the issuer the~~
4 22 ~~authorizing documents. A trust indenture, resolution, or~~
~~other instrument authorizing the issuance of obligations~~ The
4 23 authorizing documents may, however, delegate to an officer of
4 24 a board or of a governing body of an issuer the power to
4 25 negotiate and fix the details of an issue of ~~obligations~~
4 26 bonds.

4 29 6. A resolution, trust agreement, or any other instrument
4 30 by which a pledge is created shall not be required to be
4 31 recorded or filed under the uniform commercial code, chapter
4 32 554, to be valid, binding, or effective.

4 33 7. Subject to the terms of the authorizing documents, the
4 34 proceeds of ~~obligations~~ bonds may be expended for
4 35 administrative expenses.



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5 1 8. An issuer may issue ~~obligations~~ bonds for the purpose
5 2 of refunding any ~~obligations~~ bonds then outstanding, including
5 3 the payment of any redemption premiums thereon and any
5 4 interest accrued or to accrue to the date of redemption of the
5 5 outstanding ~~obligations~~ bonds. Until the proceeds of
5 6 ~~obligations~~ bonds issued for the purpose of refunding
5 7 outstanding ~~obligations~~ bonds are applied to the purchase or
5 8 retirement of outstanding ~~obligations~~ bonds or the redemption
5 9 of outstanding ~~obligations~~ bonds, the proceeds may be placed
5 10 in escrow and be invested and reinvested in accordance with
5 11 the provisions of this chapter, the authorizing documents, and
5 12 any applicable escrow agreement. The interest, income, and
5 13 profits earned or realized on an investment may also be
5 14 applied to the payment of the outstanding ~~obligations~~ bonds to
5 15 be refunded by purchase, retirement, or redemption. After the
5 16 terms of the escrow have been fully satisfied and carried out,
5 17 any balance of proceeds and interest earned or realized on the
5 18 investments ~~may~~ shall be returned to the issuer. All
5 19 refunding ~~obligations~~ bonds shall be issued and secured and
5 20 subject to the provisions of this chapter in the same manner
5 21 and to the same extent as other ~~obligations~~ bonds issued
5 22 pursuant to this chapter.

5 23 Sec. 5. Section 12A.5, Code Supplement 2007, is amended to
5 24 read as follows:

5 25 12A.5 RESERVE FUNDS.

5 26 1. An issuer may create and establish one or more special
5 27 funds, to be known as bond reserve funds, to secure one or
5 28 more issues of ~~obligations~~ bonds. The issuer shall pay into
5 29 each bond reserve fund any moneys appropriated and made
5 30 available by the state for the purpose of that reserve fund,
5 31 any proceeds of the sale of ~~obligations~~ bonds to the extent
5 32 provided in the authorizing documents, and any other moneys
5 33 which may be legally available from any other sources and
5 34 which the issuer determines to deposit in the reserve fund.
5 35 All moneys held in a bond reserve fund, except as otherwise



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6 1 provided in this chapter, shall be used ~~as required~~ solely for
6 2 the payment of the principal of ~~obligations~~ bonds secured in
6 3 whole or in part by the fund ~~or of the sinking fund~~ or other
6 4 payments with respect to the ~~obligations~~ bonds, the purchase
6 5 or redemption of the ~~obligations~~ bonds, the payment of
6 6 interest on the ~~obligations~~ bonds, or the payments of any
6 7 redemption premium required to be paid when the ~~obligations~~
6 8 bonds are redeemed prior to maturity, all in accordance with
6 9 the authorizing documents.

6 10 2. ~~Moneys~~ Except as otherwise specified in the authorizing
6 11 documents, moneys in a bond reserve fund shall not be
6 12 withdrawn at any time in an amount that will reduce the amount
6 13 of the fund to less than the bond reserve fund requirement
6 14 established for the fund, except for the purpose of ~~making,~~
~~6 15 with respect to obligations secured in whole or in part by the~~
~~6 16 fund, payment when due of principal, interest, redemption~~
~~6 17 premiums, and the sinking fund and other payments with respect~~
~~6 18 to the obligations for which other moneys are not available,~~
~~6 19 all in accordance with the authorizing documents making~~
6 20 payment as described in subsection 1. For the purposes of
6 21 this chapter, "bond reserve fund requirement" means, as of any
6 22 particular date of computation, the amount of moneys, provided
6 23 in the authorizing documents with respect to which the fund is
6 24 established. Any income or interest earned by, or incremental
6 25 to, a bond reserve fund due to its investment may be
6 26 transferred to other funds or accounts as provided in the
6 27 authorizing documents to the extent the transfer does not
6 28 reduce the amount of that bond reserve fund below its bond
6 29 reserve fund requirement.

6 30 3. The issuer shall not at any time issue ~~obligations~~
6 31 bonds, secured in whole or in part by a bond reserve fund if,
6 32 upon the issuance of the ~~obligations~~ bonds, the amount in the
6 33 bond reserve fund for the ~~obligations~~ bonds will be less than
6 34 the bond reserve fund requirement for the fund, unless the
6 35 issuer at the time of issuance of the ~~obligations~~ bonds



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7 1 deposits in the fund from the proceeds of the ~~obligations~~
7 2 bonds issued or from other legally available sources an amount
7 3 which, together with the amount then in the fund, will not be
7 4 less than the bond reserve fund requirement for the fund.
7 5 ~~4. In order to assure maintenance of bond reserve funds,~~
~~7 6 an issuer shall, on or before January 1 of each calendar year,~~
~~7 7 make and deliver to the governor the issuer's certificate~~
~~7 8 stating the sum, if any, required to restore each bond reserve~~
~~7 9 fund to the bond reserve fund requirement for that fund.~~
~~7 10 Within thirty days after the beginning of the session of the~~
~~7 11 general assembly next following the delivery of the~~
~~7 12 certificate, the governor shall submit to both houses printed~~
~~7 13 copies of a budget including the sum, if any, required to~~
~~7 14 restore each bond reserve fund to the bond reserve fund~~
~~7 15 requirement for that fund. Any sums appropriated by the~~
~~7 16 general assembly and paid to the issuer pursuant to this~~
~~7 17 subsection shall be deposited by the issuer in the applicable~~
~~7 18 bond reserve fund.~~

7 19 Sec. 6. Section 12A.6, Code Supplement 2007, is amended to
7 20 read as follows:

7 21 12A.6 PLEDGE OF FUNDS.

7 22 1. ~~Amounts~~ Any amounts authorized to be pledged as
7 23 security for ~~obligations shall~~ bonds may be held in separate
7 24 and distinct funds in the state treasury, unless otherwise
7 25 specified in the authorizing documents. ~~Moneys in a fund so~~
7 26 held shall not be subject to appropriation for any other
7 27 purpose by the general assembly, but shall be used only for
7 28 debt service on the ~~obligations~~ bonds and other amounts as set
7 29 forth in the authorizing documents. The treasurer of state
7 30 ~~shall~~ may act as custodian of the funds and disburse moneys
7 31 contained in the funds as directed by the authorizing
7 32 documents.

7 33 2. Moneys in any fund pledged as security for ~~obligations~~
7 34 bonds are not subject to section 8.33. Notwithstanding
7 35 section 12C.7, subsection 2, interest or earnings on moneys in



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8 1 the funds shall be credited to the applicable fund.

8 2 Sec. 7. Section 12A.7, Code Supplement 2007, is amended to
8 3 read as follows:

8 4 12A.7 RESOLUTION AUTHORIZING DOCUMENTS PROVISIONS.

8 5 ~~Authorizing document provisions, which shall be a part of~~
~~8 6 the contract with the holders of the obligations to be issued,~~
8 7 The authorizing documents may contain the following

8 8 provisions:

8 9 1. Pledging or assigning the revenue of a project with
8 10 respect to which the ~~obligations~~ bonds are to be issued or the
8 11 revenue of other property or facilities.

8 12 2. Setting aside reserves or sinking funds, and their
8 13 regulation, investment, and disposition.

8 14 3. Limitations on the use of a project, property, or
8 15 facilities.

8 16 4. Limitations on the purpose to which or the investments
8 17 in which the proceeds of sale of an issue of ~~obligations~~ bonds
8 18 then or thereafter to be issued may be applied and pledging
8 19 the proceeds to secure the payment of the ~~obligations or an~~
~~8 20 issue of the obligations~~ bonds.

8 21 5. Limitations on the issuance of additional ~~obligations~~
8 22 bonds, the terms upon which additional ~~obligations~~ bonds may
8 23 be issued and secured, and the refunding of outstanding
8 24 ~~obligations~~ bonds.

8 25 6. The procedure, if any, by which the terms of any
8 26 contract with the holder of ~~an obligation~~ a bond may be
8 27 amended or abrogated, the amount of ~~obligations~~ bonds may be
8 28 specified for which the holders must consent to amendment or
8 29 abrogation, and the manner in which the consent may be given.

8 30 7. Defining the acts or omissions to act which constitute
8 31 a default in the duties of the issuer to holders of
8 32 ~~obligations and providing the~~ bonds, specifying any rights and
8 33 remedies of the holders in the event of a default, and
8 34 restricting the individual right of action by holders.

8 35 8. Other matters relating to the ~~obligations~~ bonds as may



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9 1 be provided by the issuer.
9 2 Sec. 8. Section 12A.8, Code Supplement 2007, is amended to
9 3 read as follows:
9 4 12A.8 OBLIGATIONS BONDS SECURED BY TRUST AGREEMENT
9 5 AUTHORIZING DOCUMENTS.
9 6 ~~Obligations issued under this chapter may be secured by a~~
9 7 ~~trust agreement by and between the issuer and an incorporated~~
9 8 ~~trustee, which may be a trust company or bank having the~~
9 9 ~~powers of a trust company in this state or another state. The~~
9 10 ~~trust agreement or the resolution providing for the issuance~~
9 11 ~~of the obligations~~ The authorizing documents may pledge or
9 12 assign the revenue to be received for payment of the
9 13 ~~obligations~~ bonds or the proceeds of any contract pledged. A
9 14 pledge or assignment made by the issuer pursuant to this
9 15 chapter is valid and binding from the time that the pledge or
9 16 assignment is made, and the revenue pledged and thereafter
9 17 received by the issuer is immediately subject to the lien of
9 18 the pledge or assignment without physical delivery or any
9 19 further act. The lien of the pledge or assignment is valid
9 20 and binding against all parties having claims of any kind in
9 21 tort, contract, or otherwise against the issuer irrespective
9 22 of whether the parties have notice of the lien. ~~The trust~~
9 23 ~~agreement or resolution by which a pledge is created or an~~
9 24 ~~assignment made shall be filed in the records of the issuer.~~
9 25 ~~The trust agreement or resolution providing for the issuance~~
9 26 ~~of the obligations may contain provisions for protecting and~~
9 27 ~~enforcing the rights and remedies of the holders of an~~
9 28 ~~obligation as are reasonable and proper, not in violation of~~
9 29 ~~law, or provided for in this chapter. A bank or trust company~~
9 30 ~~incorporated under the laws of this state or another state~~
9 31 ~~which acts as depository of proceeds of the obligations,~~
9 32 ~~revenue, or other moneys shall furnish the indemnifying~~
9 33 ~~obligations or pledge securities as and to the extent required~~
9 34 ~~by the issuer. The trust agreement or resolution may set~~
9 35 ~~forth the rights and remedies of the holders of an obligation~~



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~~10 1 and of the trustee, and may restrict the individual right of~~
~~10 2 action by holders of an obligation. The trust agreement or~~
~~10 3 resolution authorizing documents may contain other provisions~~
10 4 the issuer deems reasonable and proper for the security of the
10 5 ~~obligation~~ bond holders.

10 6 Sec. 9. Section 12A.10, Code Supplement 2007, is amended
10 7 by striking the section and inserting in lieu thereof the
10 8 following:

10 9 12A.10 STATE LAW.

10 10 The state reserves the right at any time to alter, amend,
10 11 repeal, or otherwise change the structure, organization,
10 12 programs, or activities of any issuer, including the power to
10 13 terminate the issuer, except that a law shall not be enacted
10 14 that impairs any obligation made pursuant to any contract
10 15 entered into by the issuer with or on behalf of the holders of
10 16 the bonds to the extent that any such law would contravene
10 17 Article I, section 21, of the Constitution of the State of
10 18 Iowa or Article I, section 10, of the Constitution of the
10 19 United States.

10 20 Sec. 10. Section 12A.11, Code Supplement 2007, is amended
10 21 to read as follows:

10 22 12A.11 PROVISIONS CONTROLLING.

10 23 The powers granted issuers under this chapter are in
10 24 addition to the powers of each issuer contained elsewhere in
10 25 the Code. Nothing in this chapter limits the powers of an
10 26 issuer to issue ~~obligations~~ bonds under any other applicable
10 27 provisions of the Code or to otherwise carry out its
10 28 responsibilities as otherwise set forth in the Code.

10 29 Sec. 11. NEW SECTION. 12A.13 COORDINATION.

10 30 Issuers of bonds issued under this chapter shall be subject
10 31 to the provisions of section 12.30.

10 32 Sec. 12. Section 12A.9, Code Supplement 2007, is repealed.

10 33 EXPLANATION

10 34 This bill makes specified revisions and modifications to
10 35 uniform finance procedures applicable to bonds issued by the



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11 1 state.

11 2 The bill substitutes the words "bond" or "bonds" for the
11 3 words "obligation" or "obligations" currently used throughout
11 4 Code chapter 12A.

11 5 The bill modifies the definition of "authorizing document"
11 6 to refer to "documents", makes corresponding changes elsewhere
11 7 in the bill, including that authorizing documents refer to
11 8 "any" resolution, indenture of trust, or any other instrument.
11 9 The bill clarifies that bonds issued under Code chapter 12A
11 10 shall contain a statement that they are issued pursuant to the
11 11 enabling legislation, as defined in Code chapter 12A, if so
11 12 issued. The bill adds a provision stating that bonds shall
11 13 not constitute an obligation, indebtedness, or debt of the
11 14 state or any political subdivision of the state and the issuer
11 15 and the state have no obligation to satisfy any deficiency or
11 16 default of any payment using any moneys, assets, or revenues
11 17 other than those specifically pledged in the enabling
11 18 legislation for payment of the bonds. The bill provides that
11 19 unspecified moneys paid into a bond reserve fund must be
11 20 legally available from other sources, and that reserve fund
11 21 moneys used for purposes as provided in the Code chapter must
11 22 be used and withdrawn in accordance with the authorizing
11 23 documents.

11 24 The bill deletes a provision which requires an issuer of
11 25 reserve funds to annually deliver to the governor a
11 26 certificate stating the sum necessary to restore a bond
11 27 reserve fund to a minimum required level, with subsequent
11 28 submission of copies of a budget including that sum by the
11 29 governor to the general assembly, and also deletes a provision
11 30 stating that any sums appropriated by the general assembly and
11 31 paid to an issuer pursuant to these deleted provisions shall
11 32 be deposited by the issuer into the applicable bond reserve
11 33 fund.

11 34 The bill modifies provisions relating to amounts pledged as
11 35 security for bonds being held in separate and distinct funds



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12 1 in the state treasury to allow for the authorizing documents
12 2 specifying a different manner of holding, and changes a
12 3 directive that the treasurer of state act as custodian of
12 4 funds to indicate that the treasurer "may" so act. The bill
12 5 deletes a statement that the provisions of the authorizing
12 6 documents shall be a part of the contract with the holders of
12 7 obligations to be issued, states that the authorizing
12 8 documents may contain limitations not just on the use of a
12 9 project but also use of property or facilities, deletes a
12 10 reference to pledging issue sale proceeds for payment of an
12 11 issue of an obligation, and provides that the authorizing
12 12 documents may include provisions restricting an individual
12 13 right of action by holders of the bond.
12 14 The bill deletes references to obligations being secured by
12 15 a trust agreement, instead referring to bonds secured by
12 16 authorizing documents, and also deletes a section stating that
12 17 obligations and interest thereon are exempt from state income
12 18 and inheritance tax. The bill alters a provision which
12 19 restricts the state's ability to limit or alter rights vested
12 20 in an issuer until obligations and interest thereon are met
12 21 and discharged, and contracts performed, unless adequate
12 22 protection of the holders' rights are provided for. The bill
12 23 substitutes provisions that the state reserves the right at
12 24 any time to alter, amend, repeal, or otherwise change the
12 25 structure, organization, programs, or activities of any
12 26 issuer, including the power to terminate the issuer, except
12 27 that a law shall not be enacted that impairs any obligation
12 28 made pursuant to any contract entered into by the issuer with
12 29 or on behalf of the holders of the bonds to the extent that
12 30 any such law would contravene specified Articles of the State
12 31 or United States Constitution.
12 32 Finally, the bill provides that bonds issued under the Code
12 33 chapter shall be subject to Code section 12.30 relating to
12 34 coordination of bonding activities by the treasurer of state.
12 35 LSB 6066SV 82



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13 1 rn/nh/8



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Senate File 2302 - Introduced

SENATE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3104)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act specifying a duty of agency applicable to licensed
- 2 mortgage brokers and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5345SV 82
- 5 rn/nh/5



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Senate File 2302 - Introduced continued

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



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2 1 registrant, or to obtain a loan for the borrower from a
2 2 mortgage lender with whom the licensee or individual
2 3 registrant does not have a business relationship.

2 4 EXPLANATION

2 5 This bill confers upon licensed mortgage brokers and
2 6 individual registrants a duty of agency.

2 7 The bill provides that a licensee or individual registrant
2 8 acting in the capacity of a mortgage broker pursuant to Code
2 9 section 535B.1, subsection 5, shall be considered to have
2 10 created an agency relationship with a borrower in all cases.
2 11 The bill specifies duties a licensee or individual registrant
2 12 shall perform pursuant to the agency relationship, including
2 13 acting in a borrower's best interest and in good faith, and
2 14 not accepting, giving, or charging any undisclosed
2 15 compensation or realizing any undisclosed remuneration that
2 16 inures to the licensee's or individual registrant's benefit on
2 17 an expenditure made for the borrower. Additional duties
2 18 include carrying out all lawful instructions provided or
2 19 issued by a borrower, disclosing all material facts of which
2 20 the licensee or individual registrant has knowledge which
2 21 might reasonably affect a borrower's rights, interests, or
2 22 ability to receive the intended benefit from the mortgage
2 23 loan, but not facts which are reasonably susceptible to the
2 24 knowledge of a borrower, using reasonable care in the
2 25 performance of duties, and accounting for all the borrower's
2 26 money and property received as agent.

2 27 The bill states that the duty of agency shall not be
2 28 construed to prohibit a licensee or individual registrant from
2 29 contracting for or collecting a fee for services rendered
2 30 which was disclosed and agreed to by the borrower in advance
2 31 of the provision of the services, and shall also not be
2 32 construed to require a licensee or individual registrant to
2 33 obtain a loan for the borrower containing terms or conditions
2 34 not available to the licensee or individual registrant in the
2 35 usual course of business, or to obtain a loan for the borrower



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3 1 from a mortgage lender with whom the licensee or individual
3 2 registrant does not have a business relationship.
3 3 A violation of the bill's provisions subjects a licensee to
3 4 the disciplinary provisions of Code chapter 535B, including
3 5 license suspension and revocation, and imposition of civil
3 6 penalties in an amount not to exceed \$5,000 per violation.
3 7 LSB 5345SV 82
3 8 rn/nh/5



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Senate File 2303 - Introduced

SENATE FILE
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SSB 3218)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to workers' compensation provisions for continued
2 medically related benefits in certain settlements of workers'
3 compensation claims and to funding of the second injury fund
4 and providing an effective date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 6043SV 82
7 av/rj/8



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Senate File 2303 - Introduced continued

PAG LIN

1 1 Section 1. Section 85.35, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 5A. The parties to any settlement made
1 4 pursuant to this section may agree that the employee has the
1 5 right to benefits pursuant to section 85.27 under such terms
1 6 and conditions as agreed to by the parties in the settlement,
1 7 for a specified period of time after the settlement has been
1 8 approved by the workers' compensation commissioner. During
1 9 that specified period of time, the commissioner shall have
1 10 jurisdiction of the settlement for the purpose of adjudicating
1 11 the employee's entitlement to benefits provided for in section
1 12 85.27 as agreed upon in the settlement.

1 13 Sec. 2. Section 85.65A, subsection 5, Code 2007, is
1 14 amended by striking the subsection.

1 15 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
1 16 immediate importance, takes effect upon enactment.

1 17 EXPLANATION

1 18 This bill relates to provisions for continued medically
1 19 related benefits in certain settlements of workers'
1 20 compensation claims.

1 21 The bill amends Code section 85.35 by allowing parties to a
1 22 settlement for workers' compensation benefits to agree that
1 23 the employee has the right to medically related benefits
1 24 pursuant to Code section 85.27 under such terms and conditions
1 25 as agreed to by the parties in the settlement, for a specified
1 26 period of time after the settlement has been approved by the
1 27 workers' compensation commissioner. During the specified
1 28 period of time, the workers' compensation commissioner retains
1 29 jurisdiction of the settlement for the purpose of adjudicating
1 30 the employee's entitlement to the medically related benefits,
1 31 as agreed upon in the settlement.

1 32 The bill strikes Code section 85.65A(5) which repeals this
1 33 section on July 1, 2008. Code section 85.65A allows
1 34 imposition of a surcharge on employers to fund the workers'
1 35 compensation second injury fund. The bill is effective upon



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Senate File 2303 - Introduced continued

2 1 enactment.
2 2 LSB 6043SV 82
2 3 av/rj/8



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Senate File 2304 - Introduced

SENATE FILE
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SSB 3048)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to the boiler and pressure vessel safety and
- 2 elevator safety revolving funds under the control of the labor
- 3 commissioner.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5435SV 82
- 6 ak/nh/8



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Senate File 2304 - Introduced continued

PAG LIN

1 1 Section 1. Section 89.8, subsection 2, Code 2007, is
1 2 amended by striking the subsection.

1 3 Sec. 2. Section 89A.19, subsection 2, Code 2007, is
1 4 amended by striking the subsection.

1 5 EXPLANATION

1 6 This bill strikes provisions in Code sections 89.8 and
1 7 89A.19 that terminate the boiler and pressure vessel safety
1 8 revolving fund and elevator safety revolving fund,
1 9 respectively, on July 1, 2012.

1 10 LSB 5435SV 82

1 11 ak/nh/8



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Senate File 2305 - Introduced

SENATE FILE
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 3188)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to county officers by authorizing reimbursement
2 of certain expenses, making changes to fees charged by the
3 county recorder, information required to be endorsed on
4 certain recorded documents and instruments, and standards for
5 indexes maintained by the county recorder.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 5763SV 82
8 md/sc/5



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Senate File 2305 - Introduced continued

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1 1 Section 1. Section 10A.108, subsections 4 through 6, Code
1 2 2007, are amended to read as follows:

1 3 4. The county recorder of each county shall prepare and
1 4 maintain in the recorder's office an index of liens of debts
1 5 established based upon benefits or provider payments
1 6 inappropriately obtained from and owed the department of human
1 7 services, ~~which provides~~ containing the applicable entries
1 8 specified in sections 558.49 and 558.52, and providing

1 9 appropriate columns for all of the following data, under the
1 10 names of debtors, arranged alphabetically:

1 11 a. The name of the debtor.

1 12 b. "State of Iowa, Department of Human Services" as
1 13 claimant.

1 14 c. The time that the notice of the lien was ~~received~~
1 15 recorded.

1 16 d. The date of notice.

1 17 e. The amount of the lien currently due.

1 18 f. The date of the assessment.

1 19 g. The date of satisfaction of the debt.

1 20 h. Any extension of the time period for application of the
1 21 lien and the date that the notice for extension was filed.

1 22 5. The recorder shall endorse on each notice of lien the
1 23 day and time ~~received~~ recorded and the document reference
1 24 number, and shall preserve the notice. The recorder shall

1 25 index the notice and shall record the lien in the manner
1 26 provided for recording real estate mortgages. The lien ~~shall~~
1 27 be is effective from the time of the indexing.

1 28 6. The department shall pay, from moneys appropriated to
1 29 the department for this purpose, a recording ~~fee~~ fees as
1 30 provided in section 331.604, for the recording of the lien, or
1 31 for satisfaction of the lien.

1 32 Sec. 2. Section 96.14, subsection 3, unnumbered paragraph
1 33 1, Code Supplement 2007, is amended to read as follows:

1 34 The county recorder of each county shall prepare and keep
1 35 in the recorder's office an index ~~to show~~ containing the



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2 1 applicable entries specified in sections 558.49 and 558.52 and
2 2 showing the following data, under the names of employers,
2 3 arranged alphabetically:
2 4 Sec. 3. Section 96.14, subsection 3, paragraph c, Code
2 5 Supplement 2007, is amended to read as follows:
2 6 c. Time notice of lien was ~~received~~ recorded.
2 7 Sec. 4. Section 96.14, subsection 3, unnumbered paragraphs
2 8 4 and 5, Code Supplement 2007, are amended to read as follows:
2 9 The recorder shall endorse on each notice of lien the day,
2 10 hour, and minute when ~~received~~ recorded and the document
2 11 reference number, and shall index the notice in the index, and
2 12 shall record the lien in the manner provided for recording
2 13 real estate mortgages, and the. The lien shall be is
2 14 effective from the time of the indexing of the lien.
2 15 The department shall pay a recording ~~fee~~ fees as provided
2 16 in section 331.604, for the recording of the lien, or for its
2 17 satisfaction.
2 18 Sec. 5. Section 124C.4, subsection 3, Code 2007, is
2 19 amended to read as follows:
2 20 3. Each notice of lien shall be endorsed with the day,
2 21 hour, and minute when the notice was ~~received~~ recorded and the
2 22 document reference number, and the notice shall be preserved,
2 23 indexed, and recorded in the manner provided for recording
2 24 real estate mortgages. The lien shall be is effective from
2 25 the time of its indexing. The department shall pay a
2 26 recording fee fees as provided by section 331.604 for the
2 27 recording of the lien or for its satisfaction.
2 28 Sec. 6. Section 331.602, subsections 8 and 37, Code 2007,
2 29 are amended to read as follows:
2 30 8. Endorse on each notice of an unemployment contribution
2 31 lien the day, hour, and minute that the lien is ~~received from~~
2 32 ~~the department of workforce development~~ recorded and the
2 33 document reference number, index the notice of lien, and
2 34 record the lien as provided in section 96.14, subsection 3.
2 35 37. Carry out duties relating to the indexing of name



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3 1 changes, and the recorder shall charge ~~a fee~~ fees for indexing
3 2 as provided in section 331.604.

3 3 Sec. 7. Section 331.604, Code 2007, is amended to read as
3 4 follows:

3 5 331.604 ~~GENERAL RECORDING AND FILING FEE FEES~~.

3 6 1. Except as otherwise provided by state law, subsection ~~2~~
3 7 4, or section 331.605, the recorder shall collect a fee of
3 8 five dollars for each page or fraction of a page of an
3 9 instrument which is filed or recorded in the recorder's
3 10 office. If a page or fraction of a page contains more than
3 11 one transaction, the recorder shall collect the fee for each
3 12 transaction.

3 13 2. a. The recorder shall also collect a fee of one dollar
3 14 for each recorded transaction for which a fee is paid pursuant
3 15 to subsection 1 to be used exclusively for the purpose of
3 16 preserving and maintaining public records. The treasurer, on
3 17 behalf of the recorder, shall establish and maintain a county
3 18 recorder's records management fund into which all moneys
3 19 collected pursuant to this subsection shall be deposited.
3 20 Interest earned on moneys deposited in the fund shall be
3 21 credited to the county recorder's records management fund.
3 22 The recorder shall use the moneys deposited in the fund to
3 23 produce and maintain public records that meet archival
3 24 standards, and to enhance the technological storage,
3 25 retrieval, and transmission capabilities related to archival
3 26 quality records. The recorder may cooperate with other
3 27 entities, boards, and agencies to establish methods of records
3 28 management, and participate in other joint ventures which
3 29 further the purposes of this subsection.

3 30 b. Fees collected pursuant to this subsection shall be
3 31 used to accomplish the following purposes:

- 3 32 (1) Preserve and maintain public records.
- 3 33 (2) Assist counties in reducing record preservation costs.
- 3 34 (3) Encourage and foster maximum access to public records
3 35 maintained by county recorders at locations throughout the



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4 1 state.

4 2 (4) Establish plans for anticipated and possible future
4 3 needs, including the handling and preservation of vital
4 4 statistics.

4 5 3. a. The county recorder shall also collect a fee of one
4 6 dollar for each recorded transaction, regardless of the number
4 7 of pages, for which a fee is paid pursuant to subsection 1 to
4 8 be used for the purpose set forth in paragraph "c".

4 9 b. The county treasurer, on behalf of the recorder, shall
4 10 establish and maintain a county recorder's electronic
4 11 transaction fund into which all moneys collected pursuant to
4 12 paragraph "a" shall be deposited. Interest earned on moneys
4 13 deposited in this fund shall be computed based on the average
4 14 monthly balance in the fund and shall be credited to the
4 15 county recorder's electronic transaction fund.

4 16 c. The local government electronic transaction fund is
4 17 established in the office of the treasurer of state under the
4 18 control of the treasurer of state. Moneys deposited into the
4 19 fund are not subject to section 8.33. Notwithstanding section
4 20 12C.7, interest or earnings on moneys in the local government
4 21 electronic transaction fund shall be credited to the fund.

4 22 Moneys in the local government electronic transaction fund are
4 23 not subject to transfer, appropriation, or reversion to any
4 24 other fund, or any other use except as provided in this
4 25 paragraph "c". On a monthly basis, the county treasurer shall
4 26 pay each fee collected pursuant to paragraph "a" to the
4 27 treasurer of state for deposit into the local government
4 28 electronic transaction fund. Moneys credited to the local
4 29 government electronic transaction fund are appropriated to the
4 30 treasurer of state to be used for the purpose of planning and
4 31 implementing electronic recording and electronic transactions
4 32 in each county and developing county and statewide internet
4 33 web sites to provide electronic access to records and
4 34 information and to pay the ongoing costs of integrating and
4 35 maintaining the statewide internet web site.



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5 1 d. The recorder shall make available any information
5 2 required by the county auditor or auditor of state concerning
5 3 the fees collected under this subsection for the purposes of
5 4 determining the amount of fees collected and the uses for
5 5 which such fees are expended.

5 6 ~~2.~~ 4. A county shall not be required to pay a fee to the
5 7 recorder for filing or recording instruments.

5 8 Sec. 8. Section 331.605B, subsection 1, Code 2007, is
5 9 amended to read as follows:

5 10 1. The recorder shall make available any information
5 11 required by the county or state auditor concerning the fees
5 12 collected under section ~~331.605A~~ 331.604, subsection 2, for
5 13 the purposes of determining the amount of fees collected and
5 14 the uses for which such fees are expended.

5 15 Sec. 9. Section 331.606B, subsection 2, paragraph b, Code
5 16 2007, is amended to read as follows:

5 17 b. ~~The~~ For any instrument of conveyance, the name of the
5 18 taxpayer and a complete mailing address for any document or
~~5 19 instrument of conveyance.~~

5 20 Sec. 10. Section 331.606B, subsection 6, Code 2007, is
5 21 amended to read as follows:

5 22 6. a. On and after July 1, 2005, a document or instrument
5 23 that does not conform to the format standards specified in
5 24 subsections 1 through 3 shall not be ~~recorded~~ accepted for
5 25 recording except upon payment of an additional recording fee
5 26 of ten dollars per document or instrument. The requirement
5 27 applies only to documents or instruments dated on or after
5 28 July 1, 2005, and does not apply to those documents or
5 29 instruments specifically exempted in subsection 4.

5 30 b. On and after July 1, 2008, a document or instrument
5 31 that does not conform to the format standards specified in
5 32 subsection 1, paragraphs "c" and "e", or subsection 2,
5 33 paragraph "b", shall not be accepted for recording. This
5 34 paragraph applies only to documents or instruments dated on or
5 35 after July 1, 2008, and does not apply to those documents or



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6 1 instruments specifically exempted in subsection 4.

6 2 Sec. 11. Section 331.607, subsection 5, Code 2007, is
6 3 amended by striking the subsection and inserting in lieu
6 4 thereof the following:

6 5 5. An index for records of private drainage systems as
6 6 provided in section 468.623.

6 7 Sec. 12. Section 331.609, subsection 4, Code 2007, is
6 8 amended to read as follows:

6 9 4. The ~~fee~~ fees for filing or recording, and indexing each
6 10 notice of lien or certificate or notice affecting the lien
6 11 shall be as provided in section 331.604. The officer shall
6 12 bill the internal revenue service or any other appropriate
6 13 federal agency on a monthly basis for fees for documents filed
6 14 or recorded by it.

6 15 Sec. 13. Section 331.907, subsection 3, Code 2007, is
6 16 amended to read as follows:

6 17 3. The elected county officers are also entitled to
6 18 receive their actual and necessary expenses incurred in
6 19 performance of official duties of their respective offices.

6 20 The board of supervisors may authorize the reimbursement of
6 21 expenses related to an educational course, seminar, or school
6 22 which is attended by a county officer after the county officer
6 23 is elected, but prior to the county officer taking office.

6 24 Sec. 14. Section 359A.10, Code 2007, is amended to read as
6 25 follows:

6 26 359A.10 ENTRY AND RECORD OF ORDERS.

6 27 Such orders, decisions, notices, and returns shall be
6 28 entered of record at length by the township clerk, and a copy
6 29 thereof certified by the township clerk to the county
6 30 recorder, who shall record the same in the recorder's office
6 31 in a book kept for that purpose, and index such record in the
6 32 name of each adjoining owner as grantor to the other. The
6 33 county recorder shall collect fees specified in section
6 34 331.604.

6 35 Sec. 15. Section 359A.12, Code 2007, is amended to read as



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7 1 follows:

7 2 359A.12 DIVISION BY AGREEMENT == RECORD.

7 3 The several owners may, in writing, agree upon the portion
7 4 of partition fences between their lands which shall be erected
7 5 and maintained by each, which writing shall describe the lands
7 6 and the parts of the fences so assigned, be signed and
7 7 acknowledged by them, and filed and recorded in the office of
7 8 the recorder of deeds of the county or counties in which they
7 9 are situated. The county recorder shall collect fees
7 10 specified in section 331.604.

7 11 Sec. 16. Section 422.26, subsections 4 and 5, Code 2007,
7 12 are amended to read as follows:

7 13 4. The county recorder of each county shall keep in the
7 14 recorder's office an index ~~and record to show~~ containing the
7 15 applicable entries in sections 558.49 and 558.52 and showing

7 16 the following data, under the names of taxpayers, arranged
7 17 alphabetically:

- 7 18 a. The name of the taxpayer.
- 7 19 b. The name "State of Iowa" as claimant.
- 7 20 c. Time notice of lien was ~~received~~ recorded.
- 7 21 d. Date of notice.
- 7 22 e. Amount of lien then due.
- 7 23 f. Date of assessment.
- 7 24 g. When satisfied.

7 25 The recorder shall endorse on each notice of lien the day,
7 26 hour, and minute when ~~received and~~ recorded and the document
7 27 reference number, shall preserve the same, and shall index the
7 28 notice in the index and shall record the lien in the manner
7 29 provided for recording real estate mortgages, and the. The
7 30 lien shall be is effective from the time of the indexing of
7 31 the lien.

7 32 5. The department shall pay a recording ~~fee~~ fees as
7 33 provided in section 331.604, for the recording of the lien, or
7 34 for its satisfaction.

7 35 Sec. 17. Section 424.11, unnumbered paragraphs 4 and 5,



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8 1 Code 2007, are amended to read as follows:

8 2 The recorder shall endorse on each notice of lien the day,
8 3 hour, and minute when ~~received~~ recorded and the document
8 4 reference number, and shall preserve the notice, and. The
8 5 recorder shall also immediately index the notice and record
8 6 the lien in the manner provided for recording real estate
8 7 mortgages, and the. The lien shall be effective from the time
8 8 of its indexing.

8 9 The department shall pay ~~a~~ recording ~~fee~~ fees as provided
8 10 in section 331.604, for the recording of the lien, or for its
8 11 satisfaction.

8 12 Sec. 18. Section 437A.11, unnumbered paragraph 2, Code
8 13 2007, is amended to read as follows:

8 14 The county recorder of each county shall ~~prepare and keep~~
8 15 ~~in the recorder's office an index~~ each lien showing the
8 16 applicable entries specified in sections 558.49 and 558.52 and
8 17 ~~record to show~~ showing, under the names of taxpayers arranged
8 18 alphabetically, all of the following:

8 19 Sec. 19. Section 437A.11, subsection 3, Code 2007, is
8 20 amended to read as follows:

8 21 3. Time the notice of lien was ~~received~~ recorded.

8 22 Sec. 20. Section 437A.11, unnumbered paragraphs 3 through
8 23 5, Code 2007, are amended to read as follows:

8 24 The recorder shall endorse on each notice of lien the day,
8 25 hour, and minute when ~~received and preserve such notice, and~~
8 26 recorded and the document reference number, shall preserve
8 27 such notice, shall index the notice in the index, and shall
8 28 promptly record the lien in the manner provided for recording
8 29 real estate mortgages. The lien is effective from the time of
8 30 the indexing of the lien.

8 31 The county treasurer or chief financial officer of the city
8 32 shall pay ~~a~~ recording ~~fee~~ fees as provided in section 331.604,
8 33 for the recording of the lien, or for its satisfaction.

8 34 Upon the payment of the replacement tax as to which a
8 35 county treasurer or chief financial officer of a city has



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9 1 filed notice with a county recorder, the county treasurer or
9 2 chief financial officer of the city shall promptly file with
9 3 the recorder a satisfaction of the replacement tax. The
9 4 recorder shall ~~enter the satisfaction on the record the~~ notice
9 5 ~~on file in the recorder's office and indicate that fact on the~~
~~9 6 index of satisfaction showing the applicable entries specified~~
9 7 ~~in sections 558.49 and 558.52.~~

9 8 Sec. 21. Section 437A.22, unnumbered paragraph 3, Code
9 9 2007, is amended to read as follows:
9 10 The county recorder of each county shall ~~prepare and keep~~
~~9 11 in the recorder's office an index each lien showing the~~
9 12 ~~applicable entries specified in sections 558.49 and 558.52 and~~
9 13 ~~record to show~~ showing, under the names of taxpayers arranged
9 14 alphabetically, all of the following:

9 15 Sec. 22. Section 437A.22, subsection 3, Code 2007, is
9 16 amended to read as follows:
9 17 3. Time the notice of lien was ~~received~~ recorded.

9 18 Sec. 23. Section 437A.22, unnumbered paragraphs 4 and 5,
9 19 Code 2007, are amended to read as follows:

9 20 The recorder shall endorse on each notice of lien the day,
9 21 hour, and minute when ~~received and~~ recorded and the document
9 22 ~~reference, shall~~ preserve such notice, and shall promptly
9 23 record the lien in the manner provided for recording real
9 24 estate mortgages. The lien is effective from the time of the
9 25 indexing of the lien.

9 26 The director, from moneys appropriated to the department of
9 27 revenue for this purpose, shall pay a recording ~~fee~~ fees as
9 28 provided in section 331.604 for the recording of the lien, or
9 29 for its satisfaction.

9 30 Sec. 24. Section 468.623, Code 2007, is amended to read as
9 31 follows:

9 32 468.623 PRIVATE DRAINAGE SYSTEM == RECORD.
9 33 1. Any person who has provided a system of drainage on
9 34 land owned by the person may have the same made a matter of
9 35 record in the office of the county recorder of the county in



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10 1 which the drainage system is located, provided any drainage
10 2 system constructed after July 1, 1969, shall be made a matter
10 3 of record, ~~as is hereinafter provided~~ and shall contain the
10 4 applicable entries specified in sections 558.49 and 558.52.

10 5 2. Records under subsection 1 may be used to give the
10 6 owner's name, description of tracts of land drained, stating
10 7 the time when the drainage system was established, the kind,
10 8 quality, and brand of tile used, the name and place of the
10 9 manufacturing plant, the name of contractors who laid the
10 10 tile, the name of the engineer in charge of the survey and
10 11 installation, the cost of tile, delivery, installation, and
10 12 engineering expense, depths, grades, outlets, connections,
10 13 contracts for agreements with adjoining landowners as to
10 14 connections, and any other matters or information that may be
10 15 considered of value, and such information may be furnished by
10 16 the landowner or the engineer having charge of the
10 17 installation and certified to under oath.

10 18 Sec. 25. Section 468.626, Code 2007, is amended to read as
10 19 follows:

10 20 468.626 ORIGINAL PLAT FILED.

10 21 In lieu of making the record as herein provided, any
10 22 landowner may file with the county recorder the original plat
10 23 used in the establishment of ~~said~~ the drainage system, or a
10 24 copy ~~thereof~~ of the plat, which shall be certified by the
10 25 engineer having made the same. If practicable, a plat filed
10 26 under this section shall be made a matter of record and shall
10 27 contain the applicable entries specified in sections 558.49
10 28 and 558.52.

10 29 Sec. 26. Section 468.628, Code 2007, is amended to read as
10 30 follows:

10 31 468.628 FEES FOR ~~RECORD AND COPIES~~ RECORDING.

10 32 ~~The county~~ When information is filed with the county
10 33 recorder pursuant to section 468.623 or 468.626, the recorder
10 34 shall be entitled to collect recording fees for the filing and
10 35 information heretofore provided for, and for the making of



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~~11 1 copies of such records the same as is provided for other work~~
~~11 2 of a similar nature in the amounts specified in section~~
~~11 3 331.604.~~

11 4 Sec. 27. Section 547.3, Code 2007, is amended to read as
11 5 follows:

11 6 547.3 FEE FOR RECORDING.

11 7 The county recorder shall ~~charge and receive a fee collect~~
11 8 fees in the amount specified in section 331.604 for each

11 9 verified statement recorded under this chapter. The recorder
11 10 may return the original instrument to the sender or dispose of
11 11 the instrument if the sender does not wish to have the
11 12 instrument returned. An instrument filed in the recorder's
11 13 office before July 1, 1990, may be returned to the sender or
11 14 disposed of if the sender does not wish to have the instrument
11 15 returned and if there is an official copy of the instrument in
11 16 the recorder's office.

11 17 Sec. 28. Section 557.24, Code 2007, is amended to read as
11 18 follows:

11 19 557.24 FEE.

11 20 A person having the name of the person's farm recorded as
11 21 provided in section 557.22 shall first pay to the county
11 22 recorder ~~a fee in the amount~~ the fees specified in section
11 23 331.604, which ~~fee~~ shall be paid to the county treasurer as
11 24 other fees are paid to the county treasurer by the recorder.

11 25 Sec. 29. Section 557.26, Code 2007, is amended to read as
11 26 follows:

11 27 557.26 CANCELLATION == FEE.

11 28 If the owner of a registered farm desires to cancel the
11 29 registered name of the farm, the owner shall acknowledge
11 30 cancellation of the name by execution of an instrument in
11 31 writing referring to the farm name, and shall record the
11 32 instrument. For the latter service the county recorder shall
11 33 ~~charge a fee in~~ collect the amount fees specified in section
11 34 331.604, which shall be paid to the county treasurer as other
11 35 fees are paid to the county treasurer by the recorder.



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12 1 Sec. 30. Section 558.55, Code Supplement 2007, is amended
12 2 to read as follows:

12 3 558.55 FILING AND INDEXING == CONSTRUCTIVE NOTICE.

12 4 The recorder must endorse upon every instrument properly
12 5 filed for ~~record~~ recording in the recorder's office, the day,
12 6 hour, and minute ~~of the filing when recorded and the document~~
12 7 reference number, and enter in the index the entries required
12 8 to be entered pursuant to sections 558.49 and 558.52, ~~and the~~
12 9 filing. The recording and indexing shall constitute
12 10 constructive notice to all persons of the rights of the
12 11 grantees conferred by the instruments.

12 12 Sec. 31. Section 558.66, unnumbered paragraph 1, Code
12 13 2007, is amended to read as follows:

12 14 Upon receipt of a certificate issued by the clerk of the
12 15 district court or clerk of the supreme court indicating that
12 16 the title to real estate has been finally established in any
12 17 named person by judgment or decree or by will or by affidavit
12 18 of or on behalf of a surviving spouse that has been recorded
12 19 by the recorder, the auditor shall enter the information in
12 20 the certificate upon the transfer books, upon payment of a fee
12 21 in the amount specified in section 331.507, subsection 2,
12 22 paragraph "a". In the case of the affidavit filed with the
12 23 recorder, the fee set forth in section 331.507, subsection 2,
12 24 paragraph "a", and the ~~fee~~ fees set forth in section 331.604,
12 25 shall be collected by the recorder and paid to the treasurer
12 26 as provided in section 331.902, subsection 3.

12 27 Sec. 32. Section 598.21, subsection 2, Code Supplement
12 28 2007, is amended to read as follows:

12 29 2. DUTIES OF COUNTY RECORDER. The county recorder shall
12 30 record each quitclaim deed or change of title and shall
12 31 collect the fee specified in section 331.507, subsection 2,
12 32 paragraph "a", and the ~~fee~~ fees specified in section 331.604,
12 33 ~~subsection 1~~.

12 34 Sec. 33. Section 633.481, Code 2007, is amended to read as
12 35 follows:



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13 1 633.481 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES
13 2 WITHOUT ADMINISTRATION.
13 3 When an inventory or report is filed under section 450.22,
13 4 without administration of the estate of the decedent, the heir
13 5 or heir's attorney shall prepare and deliver to the county
13 6 recorder of the county in which the real estate is situated a
13 7 certificate pertaining to each parcel of real estate described
13 8 in the inventory or report. Any fees for certificates or
13 9 recording fees required by this section or section 633.480
13 10 shall be assessed as costs of administration. The ~~fee~~ fees
13 11 for recording and indexing the instrument shall be as provided
13 12 in section 331.604. The county recorder shall deliver the
13 13 certificates to the county auditor as provided in section
13 14 558.58.

13 15 Sec. 34. Section 674.14, Code 2007, is amended to read as
13 16 follows:

13 17 674.14 INDEXING IN REAL PROPERTY RECORD.

13 18 The county recorder and county auditor of each county in
13 19 which the petitioner owns real property shall ~~charge~~ collect
13 20 fees in the amounts specified in sections 331.604 and 331.507,
13 21 subsection 2, paragraph "b", for indexing a change of name for
13 22 each parcel of real estate.

13 23 Sec. 35. Sections 331.605A, 331.605C, 468.624, and
13 24 468.625, Code 2007, are repealed.

13 25 EXPLANATION

13 26 This bill makes changes relating to the office of county
13 27 recorder.

13 28 The bill makes changes relating to certain documents filed
13 29 with the county recorder and specifies that the county
13 30 recorder must endorse upon each document or instrument, in
13 31 addition to other information, the document reference number.

13 32 The bill incorporates the document management fee in Code
13 33 section 331.605A and the electronic transaction fee in Code
13 34 section 331.605C into the other existing recording and filing
13 35 fee provisions under Code section 331.604.



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14 1 The bill requires certain indexes under the control of the
14 2 county recorder to include applicable entries required to be
14 3 made for conveyances of property. The bill repeals Code
14 4 sections 468.624 and 468.625 pertaining to private drainage
14 5 system plat books and record books and directs those records
14 6 to be maintained in accordance with the index requirements of
14 7 other indexes maintained by the county recorder.

14 8 The bill allows a county recorder to refuse to record a
14 9 document or instrument that does not conform to the format
14 10 standards pertaining to legibility, signatures, and the
14 11 printing of names on the document or instrument.

14 12 The bill also allows a county recorder to collect recording
14 13 fees for orders, decisions, and notices made by a fence viewer
14 14 and written agreements between adjoining landowners.

14 15 The bill allows a county board of supervisors to reimburse
14 16 expenses related to an educational course, seminar, or school
14 17 which is attended by a county officer after the officer is
14 18 elected but prior to taking office.

14 19 LSB 5763SV 82

14 20 md/sc/5



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SENATE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3173)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to long-term care insurance, and providing for
2 penalties, an applicability date, repeals, and an
3 appropriation and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5433SV 82
6 av/nh/8



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PAG LIN

1 1 Section 1. Section 505.8, Code Supplement 2007, is amended
1 2 by adding the following new subsection:

1 3 NEW SUBSECTION. 15. The commissioner shall utilize the
1 4 senior health insurance information program to assist in the
1 5 dissemination of objective and noncommercial educational
1 6 material and to raise awareness of prudent consumer choices in
1 7 considering the purchase of various insurance products
1 8 designed for the health care needs of older Iowans.

1 9 Sec. 2. NEW SECTION. 514G.101 TITLE AND PURPOSE.

1 10 This chapter may be known and cited as the "Long-term Care
1 11 Insurance Act". The purpose of this chapter is to promote the
1 12 public interest, to promote the availability of long-term care
1 13 insurance, to protect applicants for long-term care insurance
1 14 from unfair or deceptive sales or enrollment practices, to
1 15 establish standards for long-term care insurance, to
1 16 facilitate public understanding and comparison of long-term
1 17 care insurance policies, and to facilitate flexibility and
1 18 innovation in the development of long-term care insurance
1 19 coverage.

1 20 Sec. 3. NEW SECTION. 514G.102 SCOPE.

1 21 The requirements of this chapter apply to policies
1 22 delivered or issued for delivery in this state on or after
1 23 July 1, 2008. This chapter is not intended to supersede the
1 24 obligations of entities subject to this chapter to comply with
1 25 the substance of other applicable insurance laws not in
1 26 conflict with this chapter, except that laws and regulations
1 27 designed and intended to apply to Medicare supplement
1 28 insurance policies shall not be applied to long-term care
1 29 insurance.

1 30 Sec. 4. NEW SECTION. 514G.103 DEFINITIONS.

1 31 As used in this chapter, unless the context requires
1 32 otherwise:

1 33 1. "Activities of daily living" means at least bathing,
1 34 continence, dressing, eating, toileting, and transferring.

1 35 2. "Applicant" means either of the following:



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- 2 1 a. In the case of an individual long-term care insurance
2 2 policy, the person who seeks to contract for benefits.
- 2 3 b. In the case of a group long-term care insurance policy,
2 4 the proposed certificate holder.
- 2 5 3. "Benefit trigger" means a contractual provision in a
2 6 policy of long-term care insurance that conditions the payment
2 7 of benefits on a determination of the insured's ability to
2 8 perform activities of daily living and on cognitive
2 9 impairment, or on other conditions of the insured as specified
2 10 in the policy. For purposes of a qualified long-term care
2 11 insurance contract, "benefit trigger" means a determination by
2 12 a licensed health care practitioner that an insured is a
2 13 chronically ill individual. For purposes of this definition,
2 14 "licensed health care practitioner" means the same as defined
2 15 in section 7702B(c)(4) of the Internal Revenue Code.
- 2 16 4. "Certificate" means any certificate issued under a
2 17 group long-term care insurance policy, which policy has been
2 18 delivered or issued for delivery in this state.
- 2 19 5. "Chronically ill individual" means the same as defined
2 20 in section 7702B(c)(2) of the Internal Revenue Code.
- 2 21 6. "Claim" means a request for payment of benefits under
2 22 an in-force long-term care insurance policy, regardless of
2 23 whether the benefit claimed is covered under the policy or any
2 24 terms or conditions of the policy have been met.
- 2 25 7. "Cognitive impairment" means a deficiency in a person's
2 26 short-term or long-term memory; orientation as to person,
2 27 place, and time; deductive or abstract reasoning; or judgment
2 28 as it relates to safety awareness.
- 2 29 8. "Commissioner" means the commissioner of insurance.
- 2 30 9. "Group long-term care insurance" means a long-term care
2 31 insurance policy that is delivered or issued for delivery in
2 32 this state to any of the following:
- 2 33 a. One or more employers or labor organizations, or to a
2 34 trust or to the trustee or trustees of a fund established,
2 35 created, or maintained by one or more employers or labor



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3 1 organizations or a combination thereof, for the benefit of
3 2 employees or former employees or a combination thereof, or for
3 3 members or former members or a combination thereof, of the
3 4 employers or labor organizations.

3 5 b. Any professional, trade, or occupational association
3 6 for its members or former or retired members, or a combination
3 7 thereof, if the association meets both of the following
3 8 requirements:

3 9 (1) Is composed of individuals all of whom are or were
3 10 actively engaged in the same profession, trade, or occupation.

3 11 (2) Has been maintained in good faith for purposes other
3 12 than obtaining insurance.

3 13 c. An association or associations, or to a trust or to the
3 14 trustee or trustees of a fund established, created, or
3 15 maintained for the benefit of members of one or more
3 16 associations, which files evidence with the commissioner prior
3 17 to advertising, marketing, or offering a policy within this
3 18 state by the association or associations, or their insurer,
3 19 that the following organizational requirements have been met:

3 20 (1) At the outset, there are a minimum of one hundred
3 21 members of the association or associations.

3 22 (2) The association or associations have been organized
3 23 and maintained in good faith for purposes other than that of
3 24 obtaining insurance.

3 25 (3) The association or associations have been in active
3 26 existence for at least one year at the time of filing.

3 27 (4) The association or associations have a constitution
3 28 and bylaws that require all of the following:

3 29 (a) The association or associations have regular meetings,
3 30 not less than annually, to further the purposes of the
3 31 members.

3 32 (b) Except for credit unions, the association or
3 33 associations collect dues or solicit contributions from
3 34 members.

3 35 (c) The members have voting privileges and representation



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4 1 on a governing board and committees.
4 2 Thirty days after the required evidentiary filings have
4 3 been made, the association or associations shall be deemed to
4 4 satisfy the organizational requirements, unless the
4 5 commissioner makes a finding that the association or
4 6 associations do not satisfy those requirements.
4 7 d. A group other than those described in paragraphs "a"
4 8 through "c", subject to a finding by the commissioner that all
4 9 of the following are true:
4 10 (1) The issuance of the group policy is not contrary to
4 11 the best interests of the public.
4 12 (2) The issuance of the group policy would result in
4 13 economies of acquisition or administration.
4 14 (3) The benefits are reasonable in relation to the
4 15 premiums charged.
4 16 10. "Independent review entity" means a review entity
4 17 certified by the commissioner pursuant to section 514G.110,
4 18 subsection 5.
4 19 11. "Insurer" means an entity qualified and licensed by
4 20 the insurance division to transact the business of insurance
4 21 in this state by a certificate issued pursuant to chapter 508,
4 22 512B, 514, or 514B.
4 23 12. "Licensed health care professional" means a qualified
4 24 professional in an appropriate field for determining an
4 25 insured's functional or cognitive impairment as it relates to
4 26 the insured's specific diagnosis. Licensed health care
4 27 professionals include but are not limited to physical
4 28 therapists, occupational therapists, neurologists, physical
4 29 medicine specialists, and rehabilitation medicine specialists.
4 30 13. "Long-term care insurance" means any insurance policy
4 31 or rider advertised, marketed, offered, or designed to provide
4 32 coverage for not less than twelve consecutive months for each
4 33 covered person on an expense-incurred, indemnity, prepaid, or
4 34 other basis, for one or more necessary or medically necessary
4 35 diagnostic, preventive, therapeutic, rehabilitative,



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5 1 maintenance, or personal care services that are provided in a
5 2 setting other than an acute care unit of a hospital.
5 3 "Long-term care insurance" includes group and individual
5 4 annuities and life insurance policies or riders that directly
5 5 provide or supplement long-term care insurance. The term also
5 6 includes a policy or rider that provides for payment of
5 7 benefits based upon cognitive impairment or the loss of
5 8 functional capacity. The term also includes a qualified
5 9 long-term care insurance contract. Long-term care insurance
5 10 may be issued by an insurer. "Long-term care insurance" does
5 11 not include any insurance policy that is offered primarily to
5 12 provide basic Medicare supplement coverage, basic hospital
5 13 expense coverage, basic medical=surgical expense coverage,
5 14 hospital confinement indemnity coverage, major medical expense
5 15 coverage, disability income or related asset=protection
5 16 coverage, accident=only coverage, specified disease or
5 17 specified accident coverage, or limited benefit health
5 18 coverage. With regard to life insurance, "long-term care
5 19 insurance" does not include life insurance policies that
5 20 accelerate the death benefit specifically for one or more of
5 21 the qualifying events of terminal illness, medical conditions
5 22 requiring extraordinary medical intervention or permanent
5 23 institutional confinement, and that provide the option of a
5 24 lump=sum payment for those benefits, where neither the
5 25 benefits nor the eligibility for the benefits is conditioned
5 26 upon the receipt of long-term care. Notwithstanding any other
5 27 provision of this chapter, any product advertised, marketed,
5 28 or offered as long-term care insurance shall be subject to the
5 29 provisions of this chapter.
5 30 14. "Policy" means any policy, contract, subscriber
5 31 agreement, rider, or endorsement delivered or issued for
5 32 delivery in this state by an insurer; fraternal benefit
5 33 society; nonprofit health, hospital, or medical service
5 34 corporation; prepaid health plan; or health maintenance
5 35 organization or any similar organization.



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6 1 15. "Preexisting condition" means a condition for which
6 2 medical advice or treatment was recommended by, or received
6 3 from, a provider of health care services within six months
6 4 preceding the effective date of coverage of an individual.

6 5 16. "Qualified long-term care insurance contract" or
6 6 "federally tax-qualified long-term care insurance contract"
6 7 means any of the following:

6 8 a. An individual or group insurance contract that meets
6 9 the requirements of section 7702B(b) of the Internal Revenue
6 10 Code, as follows:

6 11 (1) The only insurance protection provided under the
6 12 contract is coverage of qualified long-term care services. A
6 13 contract does not fail to satisfy the requirements of this
6 14 subparagraph because payments are made on a per diem or other
6 15 periodic basis without regard to the expenses incurred during
6 16 the period to which the payments relate.

6 17 (2) The contract does not pay or reimburse expenses
6 18 incurred for services or items to the extent that the expenses
6 19 are reimbursable under Title XVIII of the federal Social
6 20 Security Act, as amended, or would be reimbursable but for the
6 21 application of a deductible or coinsurance amount. The
6 22 requirements of this subparagraph do not apply to expenses
6 23 that are reimbursable under Title XVIII of the federal Social
6 24 Security Act only as a secondary payor. A contract does not
6 25 fail to satisfy the requirements of this subparagraph because
6 26 payments are made on a per diem or other periodic basis
6 27 without regard to the expenses incurred during the period to
6 28 which the payments relate.

6 29 (3) The contract is guaranteed renewable within the
6 30 meaning of section 7702B(b)(1)(C) of the Internal Revenue
6 31 Code.

6 32 (4) The contract does not provide for a cash surrender
6 33 value or for other money that can be paid, assigned or pledged
6 34 as collateral for a loan, or borrowed except as provided in
6 35 subparagraph (5).



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7 1 (5) All refunds of premiums and all policyholder dividends
7 2 or similar accounts under the contract are to be applied as a
7 3 reduction in future premiums or to increase future benefits,
7 4 except that a refund in the event of the death of the insured
7 5 or a complete surrender or cancellation of the contract shall
7 6 not exceed the aggregate premiums paid under the contract.

7 7 (6) The contract meets the consumer protection provisions
7 8 set forth in section 7702B(g) of the Internal Revenue Code.

7 9 b. The portion of a life insurance contract that provides
7 10 long-term care insurance coverage by rider or as part of the
7 11 contract and that satisfies the requirements of section
7 12 7702B(b) and (e) of the Internal Revenue Code.

7 13 Sec. 5. NEW SECTION. 514G.104 EXTRATERRITORIAL
7 14 JURISDICTION == GROUP LONG-TERM CARE INSURANCE.

7 15 Group long-term care insurance coverage shall not be
7 16 offered to a resident of this state under a group policy
7 17 issued in another state unless either this state or another
7 18 state with statutory and regulatory requirements for long-term
7 19 care insurance that are substantially similar to those adopted
7 20 in this state has made a determination that the group to which
7 21 the policy is issued meets the requirements of section
7 22 514G.103, subsection 9.

7 23 Sec. 6. NEW SECTION. 514G.105 DISCLOSURE AND PERFORMANCE
7 24 STANDARDS FOR LONG-TERM CARE INSURANCE.

7 25 1. PROHIBITED POLICY PRACTICES. A long-term care
7 26 insurance policy shall not:

7 27 a. Be canceled, nonrenewed, or otherwise terminated on the
7 28 grounds of the age or deterioration of the mental or physical
7 29 health of the insured individual or certificate holder.

7 30 b. Contain a provision establishing a new waiting period
7 31 in the event that existing coverage is converted to or
7 32 replaced by a new or other policy form within the same
7 33 company, except with respect to an increase in benefits
7 34 voluntarily selected by the insured individual, the
7 35 certificate holder, or the group policyholder.



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8 1 c. Provide coverage for skilled nursing care only, or
8 2 provide significantly more coverage for skilled care in a
8 3 facility than coverage for lower levels of care.

8 4 2. PREEEXISTING CONDITIONS.

8 5 a. A long-term care insurance policy or certificate, other
8 6 than a policy or certificate issued to a group as described in
8 7 section 514G.103, subsection 9, shall not use a definition of
8 8 "preexisting condition" that is more restrictive than the
8 9 definition contained in section 514G.103, subsection 15.

8 10 b. A long-term care insurance policy or certificate, other
8 11 than a policy or certificate issued to a group as described in
8 12 section 514G.103, subsection 9, shall not exclude coverage for
8 13 a loss or confinement that is the result of a preexisting
8 14 condition unless the loss or confinement begins within six
8 15 months following the effective date of coverage of an insured
8 16 individual.

8 17 c. The commissioner may extend the limitation periods set
8 18 forth in paragraphs "a" and "b" as to specific age group
8 19 categories in specific policy forms upon finding that such an
8 20 extension is in the best interest of the public.

8 21 d. The requirements of paragraph "a" do not prohibit an
8 22 insurer from using an application form designed to elicit the
8 23 complete health history of an applicant, and on the basis of
8 24 the answers on that application, underwriting in accordance
8 25 with that insurer's established underwriting standards.
8 26 Unless otherwise provided in the policy or certificate, a
8 27 preexisting condition, regardless of whether it is disclosed
8 28 on the application, is not required to be covered until the
8 29 waiting period described in paragraph "b" expires. A
8 30 long-term care insurance policy or certificate shall not
8 31 exclude, or use waivers or riders of any kind to exclude,
8 32 limit, or reduce coverage or benefits for specifically named
8 33 or described preexisting diseases or physical conditions
8 34 beyond the waiting period described in paragraph "b".

8 35 3. PRIOR HOSPITALIZATION OR INSTITUTIONALIZATION.



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- 9 1 a. A long-term care insurance policy shall not be
9 2 delivered or issued for delivery in this state if the policy
9 3 does any of the following:
- 9 4 (1) Conditions eligibility for any benefits on a prior
9 5 hospitalization requirement.
 - 9 6 (2) Conditions eligibility for any benefits provided in an
9 7 institutional care setting on the receipt of a higher level of
9 8 institutional care.
 - 9 9 (3) Conditions eligibility for any benefits other than
9 10 waiver of premium, post-confinement, post-acute care, or
9 11 recuperative benefits on a prior institutionalization
9 12 requirement.
- 9 13 b. A long-term care insurance policy that contains
9 14 post-confinement, post-acute care, or recuperative benefits
9 15 shall contain, in a clearly visible, separate paragraph or the
9 16 policy or certificate entitled "limitations or conditions on
9 17 eligibility for benefits", a description of such limitations
9 18 or conditions, including any required number of days of
9 19 confinement.
- 9 20 c. A long-term care insurance policy or rider that
9 21 conditions eligibility for noninstitutional benefits on the
9 22 prior receipt of institutional care shall not require a prior
9 23 institutional stay of more than thirty days.
- 9 24 d. A long-term care insurance policy or rider that
9 25 provides benefits only following institutionalization shall
9 26 not condition such benefits upon admission to a facility for
9 27 the same or related conditions within a period of less than
9 28 thirty days after discharge from the institution.
- 9 29 4. RIGHT TO RETURN == FREE LOOK == REFUND.
- 9 30 a. A long-term care insurance applicant shall have the
9 31 right to return the long-term care insurance policy or
9 32 certificate within thirty days of its delivery and to have the
9 33 premium refunded if, after examination of the policy or
9 34 certificate, the applicant is not satisfied for any reason.
- 9 35 b. A long-term care insurance policy or certificate



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10 1 delivered or issued for delivery in this state shall have a
10 2 notice prominently displayed on the first page of the policy
10 3 or certificate, or attached thereto, which states in substance
10 4 that the applicant has the right to return the policy or
10 5 certificate within thirty days of its delivery and to have the
10 6 premium refunded if, after examination of the policy or
10 7 certificate, other than a certificate issued pursuant to a
10 8 policy issued to a group as described in section 514G.103,
10 9 subsection 9, paragraph "a", the applicant is not satisfied
10 10 for any reason.

10 11 c. Any premium refund shall be made to the applicant
10 12 within thirty days of the return.

10 13 5. DENIALS == REFUND. If an application is denied by an
10 14 insurer, any premium refund shall be made to the applicant
10 15 within thirty days of the denial.

10 16 6. OUTLINE OF COVERAGE.

10 17 a. A written outline of coverage shall be delivered to a
10 18 prospective applicant for long-term care insurance at the time
10 19 of the initial solicitation for coverage which prominently
10 20 directs the attention of the applicant to the document and its
10 21 purpose.

10 22 b. The commissioner shall prescribe, by rule, a standard
10 23 format, including style, arrangement, and overall appearance,
10 24 and content of the outline of coverage.

10 25 c. In the case of producer solicitations, a producer shall
10 26 deliver the outline of coverage to a prospective applicant
10 27 prior to the presentation of an application or enrollment
10 28 form.

10 29 d. In the case of direct response solicitations, the
10 30 outline of coverage shall be presented in conjunction with any
10 31 application or enrollment form.

10 32 e. In the case of a policy issued to a group as described
10 33 in section 514G.103, subsection 9, paragraph "a", an outline
10 34 of coverage is not required to be delivered to the applicant,
10 35 provided that the information described in subsection 7 of



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11 1 this section, paragraphs "a" through "f", is contained in
11 2 other enrollment materials provided. Upon request, such other
11 3 enrollment materials shall be made available to the
11 4 commissioner.

11 5 7. CONTENTS OF OUTLINE OF COVERAGE. An outline of
11 6 coverage of long-term care insurance shall include all of the
11 7 following:

11 8 a. A description of the principal benefits and coverage
11 9 provided in the policy.

11 10 b. A statement of the principal exclusions, reductions,
11 11 and limitations contained in the policy.

11 12 c. A statement of the terms under which the policy or
11 13 certificate, or both, may be continued in force or
11 14 discontinued, including any reservation in the policy of a
11 15 right to change the premium. Continuation or conversion
11 16 provisions of group coverage shall be specifically described.

11 17 d. A statement that the outline of coverage is a summary
11 18 of coverage only, not a contract of insurance, and that the
11 19 policy or group master policy contains governing contractual
11 20 provisions.

11 21 e. A description of the terms under which the policy or
11 22 certificate may be returned and the premium refunded.

11 23 f. A brief description of the relationship of cost of care
11 24 and benefits.

11 25 g. A statement that discloses to the policyholder or
11 26 certificate holder whether the policy is intended to be a
11 27 federally tax-qualified long-term care insurance contract
11 28 under section 7702B(b) of the Internal Revenue Code.

11 29 8. CONTENTS OF GROUP CERTIFICATE. A certificate issued
11 30 pursuant to a group long-term care insurance policy which
11 31 policy is delivered or issued for delivery in this state shall
11 32 include all of the following:

11 33 a. A description of the principal benefits and coverage
11 34 provided in the policy.

11 35 b. A statement of the principal exclusions, reductions,



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12 1 and limitations contained in the policy.
12 2 c. A statement that the group master policy determines
12 3 governing contractual provisions.
12 4 9. TIME FOR DELIVERY. If an application for a long-term
12 5 care insurance policy or certificate is approved, the issuer
12 6 shall deliver the policy or certificate of insurance to the
12 7 applicant no later than thirty days after the date of
12 8 approval.
12 9 10. INDIVIDUAL LIFE INSURANCE == POLICY SUMMARY.
12 10 a. A written policy summary shall accompany the delivery
12 11 of an individual life insurance policy that provides long-term
12 12 care benefits within the policy or by rider. In the case of
12 13 direct response solicitations, the insurer shall deliver a
12 14 policy summary upon the applicant's request or at the time of
12 15 policy delivery, whichever occurs first.
12 16 b. A policy summary shall include all of the following:
12 17 (1) An explanation of how the long-term care benefit
12 18 interacts with other components of the policy, including
12 19 deductions from death benefits.
12 20 (2) An illustration of the amount of benefits, the length
12 21 of benefits, and the guaranteed lifetime benefits if any, for
12 22 each covered person.
12 23 (3) Any exclusions, reductions, or limitations on
12 24 long-term care benefits.
12 25 (4) A statement that a long-term care inflation protection
12 26 option required by 191 IAC 39.10 is not available under this
12 27 policy.
12 28 (5) If applicable to the policy type, the summary shall
12 29 also include all of the following:
12 30 (a) A disclosure of the effect of exercising other rights
12 31 under the policy.
12 32 (b) A disclosure of guarantees related to long-term care
12 33 costs of insurance charges.
12 34 (c) Current and projected maximum lifetime benefits.
12 35 c. The requirements of a policy summary set forth in



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13 1 paragraph "b" may be incorporated into the basic illustration
13 2 required to be delivered in accordance with 191 IAC 14, or
13 3 into the life insurance policy summary required to be
13 4 delivered in accordance with 191 IAC 15.4.

13 5 11. MONTHLY REPORT. If a long-term care benefit, funded
13 6 through a life insurance vehicle by the acceleration of the
13 7 death benefit, is in benefit payment status, a monthly report
13 8 shall be provided to the policyholder. The report shall
13 9 include all of the following:

13 10 a. Any long-term care benefits paid out during the month.

13 11 b. An explanation of any changes in the policy, including
13 12 but not limited to changes in death benefits or cash values
13 13 due to long-term care benefits being paid out.

13 14 c. The amount of long-term care benefits existing or
13 15 remaining.

13 16 12. CLAIM DENIAL. If a claim made under a long-term care
13 17 insurance policy is denied, the issuer, within sixty days of
13 18 the date of receipt of a written request by the policyholder,
13 19 certificate holder, or a representative thereof, shall provide
13 20 a written explanation of the reasons for the denial, and shall
13 21 make all information directly related to the denial available
13 22 to the requestor.

13 23 13. COMPLIANCE. Any policy or rider advertised, marketed,
13 24 or offered as long-term care insurance or nursing home
13 25 insurance shall comply with the provisions of this chapter.

13 26 Sec. 7. NEW SECTION. 514G.106 INCONTESTABILITY PERIOD.

13 27 1. An insurer may rescind a long-term care insurance
13 28 policy or certificate or deny an otherwise valid long-term
13 29 care insurance claim if the policy or certificate has been in
13 30 force for less than six months upon a showing of
13 31 misrepresentation that is material to the insurer's acceptance
13 32 for coverage.

13 33 2. An insurer may rescind a long-term care insurance
13 34 policy or certificate or deny an otherwise valid long-term
13 35 care insurance claim if the policy or certificate has been in



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14 1 force for at least six months but less than two years, upon a
14 2 showing of misrepresentation that is both material to the
14 3 acceptance for coverage and pertains to the condition for
14 4 which benefits are sought.

14 5 3. An insurer shall not contest a long-term care insurance
14 6 policy or certificate that has been in force for two or more
14 7 years solely upon the grounds of misrepresentation. Such a
14 8 policy or certificate may be contested only upon a showing
14 9 that the insured knowingly and intentionally misrepresented
14 10 relevant facts relating to the insured's health.

14 11 4. A long-term care insurance policy or certificate may be
14 12 field-issued if the compensation paid to the field issuer is
14 13 not based on the number of policies or certificates issued.
14 14 For the purposes of this subsection, a "field-issued" policy
14 15 means a policy or certificate issued by a producer or
14 16 third-party administrator pursuant to the underwriting
14 17 authority granted to the producer or third-party administrator
14 18 by an insurer and using the insurer's underwriting guidelines.

14 19 5. An insurer that has paid benefits under a long-term
14 20 care insurance policy or certificate shall not recover such
14 21 benefit payments if the policy or certificate is rescinded.

14 22 6. The provisions of this section are applicable to life
14 23 insurance policies or certificates that accelerate benefits
14 24 for long-term care. However, if an insured dies, the
14 25 remaining death benefits of a life insurance policy that
14 26 accelerates benefits for long-term care are not governed by
14 27 this section but by the provisions of section 508.28. In all
14 28 other situations, this section shall apply to life insurance
14 29 policies that accelerate benefits for long-term care.

14 30 Sec. 8. NEW SECTION. 514G.107 NONFORFEITURE BENEFITS.

14 31 1. Except as otherwise provided in subsection 2, a
14 32 long-term care insurance policy or certificate shall not be
14 33 delivered or issued for delivery in this state unless the
14 34 policyholder or certificate holder has been offered the option
14 35 of purchasing a policy or certificate that includes a



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15 1 nonforfeiture benefit. A nonforfeiture benefit may be offered
15 2 in the form of a rider that is attached to the policy or
15 3 certificate. If the policyholder or certificate holder
15 4 declines the nonforfeiture benefit, the insurer shall provide
15 5 a contingent benefit upon lapse that is available for a
15 6 specified period of time following a substantial increase in
15 7 premium rates.

15 8 2. When a group long-term care insurance policy or
15 9 certificate is delivered or issued for delivery in this state,
15 10 an offer of benefits shall be made to the group policyholder
15 11 that meets the requirements of subsection 1. However, if the
15 12 policy is delivered or issued for delivery to a group as
15 13 described in section 514G.103, subsection 9, paragraph "d",
15 14 that is not a continuing care retirement community or other
15 15 similar entity, the offer of benefits shall be made to each
15 16 proposed certificate holder.

15 17 3. The commissioner shall, by rule, specify the type or
15 18 types of nonforfeiture benefits to be offered as part of
15 19 long-term care insurance policies and certificates, the
15 20 standards for such nonforfeiture benefits, and the standards
15 21 for contingent benefit upon lapse including a specified period
15 22 of time during which a contingent benefit upon lapse will be
15 23 available and what constitutes a substantial premium rate
15 24 increase that will trigger a contingent benefit upon lapse as
15 25 provided in subsection 1.

15 26 Sec. 9. NEW SECTION. 514G.108 PROMPT PAYMENT OF CLAIMS
15 27 == REQUIREMENTS.

15 28 1. An insurer providing long-term care insurance under
15 29 this chapter and subject to state insurance regulation shall
15 30 either accept and pay or deny a clean claim. For the purposes
15 31 of this section, "clean claim" means a properly completed
15 32 paper or electronic request for payment that contains all
15 33 necessary information for the insurer to timely adjudicate and
15 34 pay claims for long-term care benefits under the policy, does
15 35 not involve coordination of benefits for third-party liability



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16 1 or subrogation, and does not involve the existence of
16 2 particular circumstances requiring special treatment that
16 3 prevents a prompt payment from being made.

16 4 2. The commissioner shall adopt rules establishing
16 5 processes for timely adjudication and payment of claims for
16 6 long-term care benefits by insurers.

16 7 3. Payment of a clean claim shall include interest at the
16 8 rate of ten percent per annum when an insurer or other entity
16 9 that administers or processes claims on behalf of the insurer
16 10 fails to timely pay a clean claim.

16 11 Sec. 10. NEW SECTION. 514G.109 BENEFIT TRIGGER
16 12 DETERMINATIONS == NOTICE == APPEALS.

16 13 1. NOTICE. When a long-term care insurer determines that
16 14 the benefit trigger in an insured's long-term care insurance
16 15 policy has not been met, the insurer shall provide a clear,
16 16 written notice to the insured of all of the following:

16 17 a. The reason that the insurer determined that the
16 18 insured's benefit trigger has not been met.

16 19 b. The insurer's internal appeal process provided under
16 20 the insured's long-term care insurance policy.

16 21 c. The insured's right, after exhaustion of the insurer's
16 22 internal appeal process, to have the benefit trigger
16 23 determination reviewed under the independent review process
16 24 set forth in section 514G.110.

16 25 2. INTERNAL APPEAL.

16 26 a. An insured may request an internal appeal of a benefit
16 27 trigger determination by sending a written request to the
16 28 insurer, along with any additional supporting information,
16 29 within sixty days after the insured receives the notice
16 30 described in subsection 1. The internal appeal shall be
16 31 considered by an individual or group of individuals designated
16 32 by the insurer, provided that the individual or individuals
16 33 making the internal appeal decision shall not be the same
16 34 individual or individuals who made the initial benefit trigger
16 35 determination. All internal appeals shall be completed and



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17 1 written notice of the internal appeal decision sent to the
17 2 insured within sixty days of the insurer's receipt of all
17 3 necessary information upon which a final determination can be
17 4 made.

17 5 b. If the determination that the benefit trigger was not
17 6 met is upheld upon internal appeal, the notice of the appeal
17 7 decision shall describe additional internal appeal rights that
17 8 are offered by the insurer, if any. Nothing in this paragraph
17 9 shall require an insurer to offer any internal appeal rights
17 10 other than those described in paragraph "a".

17 11 c. If the determination that the benefit trigger was not
17 12 met is upheld after the internal appeal process has been
17 13 exhausted and there is no new information not previously
17 14 provided to the insurer for consideration, the insurer shall
17 15 provide the insured with a written description of the
17 16 insured's right to request an independent review of the
17 17 benefit trigger determination.

17 18 3. RECEIPT OF NOTICE. Notices required by this section
17 19 shall be deemed received within five days after the date of
17 20 mailing.

17 21 Sec. 11. NEW SECTION. 514G.110 INDEPENDENT REVIEW OF
17 22 BENEFIT TRIGGER DETERMINATIONS.

17 23 1. REQUEST. An insured may file a written request for
17 24 independent review of a benefit trigger determination with the
17 25 commissioner after the internal appeal process has been
17 26 exhausted. The request shall be filed within sixty days after
17 27 the insured receives written notice of the insurer's internal
17 28 appeal decision.

17 29 2. FEE. A request for independent review shall be
17 30 accompanied by a twenty-five dollar filing fee. The
17 31 commissioner may waive the filing fee for good cause. The
17 32 filing fee shall be refunded if the insured prevails in the
17 33 independent review process.

17 34 3. ELIGIBILITY FOR REVIEW. The commissioner shall certify
17 35 that the request is eligible for independent review if all of



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18 1 the following criteria are satisfied:
18 2 a. The insured was covered by a long-term care insurance
18 3 policy issued by the insurer at the time the benefit trigger
18 4 determination was made.
18 5 b. The sole reason for requesting an independent review is
18 6 to review the insurer's determination that the benefit trigger
18 7 was not met.
18 8 c. The insured has exhausted all internal appeal
18 9 procedures provided under the insured's long-term care
18 10 insurance policy.
18 11 d. The written request for independent review was filed by
18 12 the insured within sixty days from the date of receipt of the
18 13 insurer's internal appeal decision.
18 14 4. NOTICE OF ELIGIBILITY. The commissioner shall provide
18 15 written notice regarding eligibility of a request for
18 16 independent review to the insured and the insurer within two
18 17 business days from the date of receipt of the request.
18 18 a. If the commissioner decides that the request is not
18 19 eligible for independent review, the written notice shall
18 20 indicate the reasons for that decision.
18 21 b. If the commissioner certifies that the request is
18 22 eligible for independent review, the insurer may appeal that
18 23 certification by filing a written notice of appeal with the
18 24 commissioner within three business days from the date of
18 25 receipt of the notice of certification. If upon further
18 26 review, the commissioner upholds the certification, the
18 27 commissioner shall promptly notify the insured and the insurer
18 28 in writing of the reasons for that decision.
18 29 5. QUALIFICATIONS OF INDEPENDENT REVIEW ENTITIES. The
18 30 commissioner shall maintain a list of qualified independent
18 31 review entities that are certified by the commissioner.
18 32 Independent review entities shall be recertified by the
18 33 commissioner every two years in order to remain on the list.
18 34 In order to be certified, an independent review entity shall
18 35 meet all of the following criteria:



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19 1 a. Have on staff, or contract with, a qualified, licensed
19 2 health care professional in an appropriate field for
19 3 determining an insured's functional or cognitive impairment
19 4 who can conduct an independent review.

19 5 (1) In order to be qualified, a licensed health care
19 6 professional who is a physician shall hold a current
19 7 certification by a recognized American medical specialty board
19 8 in a specialty appropriate for determining an insured's
19 9 functional or cognitive impairment.

19 10 (2) In order to be qualified, a licensed health care
19 11 professional who is not a physician shall hold a current
19 12 certification in the specialty in which that person is
19 13 licensed, by a recognized American specialty board in a
19 14 specialty appropriate for determining an insured's functional
19 15 or cognitive impairment.

19 16 b. Ensure that any licensed health care professional who
19 17 conducts an independent review has no history of disciplinary
19 18 actions or sanctions, including but not limited to the loss of
19 19 staff privileges or any participation restrictions taken or
19 20 pending by any hospital or state or federal government
19 21 regulatory agency.

19 22 c. Ensure that the independent review entity or any of its
19 23 employees, agents, or licensed health care professionals
19 24 utilized does not receive compensation of any type that is
19 25 dependent on the outcome of a review.

19 26 d. Ensure that the independent review entity or any of its
19 27 employees, agents, or licensed health care professionals
19 28 utilized are not in any manner related to, employed by, or
19 29 affiliated with the insured or with a person who previously
19 30 provided medical care to the insured.

19 31 e. Ensure that an independent review entity or any of its
19 32 employees, agents, or licensed health care professionals
19 33 utilized is not a subsidiary of, or owned or controlled by, an
19 34 insurer or by a trade association of insurers of which the
19 35 insurer is a member.



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20 1 f. Have a quality assurance program on file with the
20 2 commissioner that ensures the timeliness and quality of
20 3 reviews performed, the qualifications and independence of the
20 4 licensed health care professionals who perform the reviews,
20 5 and the confidentiality of the review process.

20 6 g. Have on staff or contract with a licensed health care
20 7 practitioner, as defined in section 514G.103, subsection 3,
20 8 who is qualified to certify that an individual is chronically
20 9 ill for purposes of a qualified long-term care insurance
20 10 contract.

20 11 6. INDEPENDENT REVIEW PROCESS. The independent review
20 12 process shall be conducted as follows:

20 13 a. Within three business days of receiving a notice from
20 14 the commissioner of the certification of a request for
20 15 independent review or receipt of a denial of an insurer's
20 16 appeal from such a certification, the insurer shall do all of
20 17 the following:

20 18 (1) Select an independent review entity from the list
20 19 certified by the commissioner and notify the insured in
20 20 writing of the name, address, and telephone number of the
20 21 independent review entity selected. The independent review
20 22 entity selected shall utilize a licensed health care
20 23 professional with qualifications appropriate to the benefit
20 24 trigger determination that is under review.

20 25 (2) Notify the independent review entity that it has been
20 26 selected to conduct an independent review of a benefit trigger
20 27 determination and provide sufficient descriptive information
20 28 to enable the independent review entity to provide licensed
20 29 health care professionals who will be qualified to conduct the
20 30 review.

20 31 (3) Provide the commissioner with a copy of the notices
20 32 sent to the insured and to the independent review entity
20 33 selected.

20 34 b. Within three business days of receiving a notice from
20 35 an insurer that it has been selected to conduct an independent



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21 1 review, the independent review entity shall do one of the
21 2 following:

21 3 (1) Accept its selection as the independent review entity,
21 4 designate a qualified licensed health care professional to
21 5 perform the independent review, and provide notice of that
21 6 designation to the insured and the insurer, including a brief
21 7 description of the health care professional's qualifications
21 8 and the reasons that person is qualified to determine whether
21 9 the insured's benefit trigger has been met. A copy of this
21 10 notice shall be sent to the commissioner via facsimile. The
21 11 independent review entity is not required to disclose the name
21 12 of the health care professional selected.

21 13 (2) Decline its selection as the independent review entity
21 14 or, if the independent review entity does not have a licensed
21 15 health care professional who is qualified to conduct the
21 16 independent review available, request additional time from the
21 17 commissioner to have a qualified licensed health care
21 18 professional certified, and provide notice to the insured, the
21 19 insurer, and the commissioner. The commissioner shall notify
21 20 the review entity, the insured, and the insurer of how to
21 21 proceed within three business days of receipt of such notice
21 22 from the independent review entity.

21 23 c. An insured may object to the independent review entity
21 24 selected by the insurer or to the licensed health care
21 25 professional designated by the independent review entity to
21 26 conduct the review by filing a notice of objection along with
21 27 reasons for the objection, with the commissioner within ten
21 28 days of receipt of a notice sent by the independent review
21 29 entity pursuant to paragraph "b". The commissioner shall
21 30 consider the insured's objection and shall notify the insured,
21 31 the insurer, and the independent review entity of its decision
21 32 to sustain or deny the objection within two business days of
21 33 receipt of the objection.

21 34 d. Within five business days of receiving a notice from
21 35 the independent review entity accepting its selection or



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22 1 within five business days of receiving a denial of an
22 2 objection to the review entity selected, whichever is later,
22 3 the insured may submit any information or documentation in
22 4 support of the insured's claim to both the independent review
22 5 entity and the insurer.
22 6 e. Within fifteen days of receiving a notice from the
22 7 independent review entity accepting its selection or within
22 8 three business days of receipt of a denial of an objection to
22 9 the independent review entity selected, whichever is later, an
22 10 insurer shall do all of the following:
22 11 (1) Provide the independent review entity with any
22 12 information submitted to the insurer by the insured in support
22 13 of the insured's internal appeal of the insurer's benefit
22 14 trigger determination.
22 15 (2) Provide the independent review entity with any other
22 16 relevant documents used by the insurer in making its benefit
22 17 trigger determination.
22 18 (3) Provide the insured and the commissioner with
22 19 confirmation that the information required under subparagraphs
22 20 (1) and (2) has been provided to the independent review
22 21 entity, including the date the information was provided.
22 22 f. The independent review entity shall not commence its
22 23 review until fifteen days after the selection of the
22 24 independent review entity is final including the resolution of
22 25 any objection made pursuant to paragraph "c". During this
22 26 time period, the insurer may consider any information provided
22 27 by the insured pursuant to paragraph "d" and overturn or
22 28 affirm the insurer's benefit trigger determination based on
22 29 such information. If the insurer overturns its benefit
22 30 trigger determination, the independent review process shall
22 31 immediately cease.
22 32 g. In conducting a review, the independent review entity
22 33 shall consider only the information and documentation provided
22 34 to the independent review entity pursuant to paragraphs "d"
22 35 and "e".



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23 1 h. The independent review entity shall submit its decision
23 2 as soon as possible, but not later than thirty days from the
23 3 date the independent review entity receives the information
23 4 required under paragraphs "d" and "e", whichever is received
23 5 later. The decision shall include a description of the basis
23 6 for the decision and the date of the benefit trigger
23 7 determination to which the decision relates. The independent
23 8 review entity, for good cause, may request an extension of
23 9 time from the commissioner to file its decision. A copy of
23 10 the decision shall be mailed to the insured, the insurer, and
23 11 the commissioner.

23 12 i. All medical records submitted for use by the
23 13 independent review entity shall be maintained as confidential
23 14 records as required by applicable state and federal laws. The
23 15 commissioner shall keep all information obtained during the
23 16 independent review process confidential pursuant to section
23 17 505.8, subsection 6, except that the commissioner may share
23 18 some information obtained as provided under section 505.8,
23 19 subsection 6, and as required by this chapter and rules
23 20 adopted pursuant to this chapter.

23 21 j. If an insured dies before completion of the independent
23 22 review, the review shall continue to completion if there is
23 23 potential liability of an insurer to the estate of the insured
23 24 or to a provider for rendering qualified long-term care
23 25 services to the insured.

23 26 7. COSTS. All reasonable fees and costs of the
23 27 independent review entity incurred in conducting an
23 28 independent review under this section shall be paid by the
23 29 insurer.

23 30 8. IMMUNITY. An independent review entity that conducts a
23 31 review under this section is not liable for damages arising
23 32 from determinations made during the review. Immunity does not
23 33 apply to any act or omission made by an independent review
23 34 entity in bad faith or that involves gross negligence.

23 35 9. EFFECT OF INDEPENDENT REVIEW DECISION.



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24 1 a. The review decision by the independent review entity
24 2 conducting the review is binding on the insurer.
24 3 b. The independent review process set forth in this
24 4 section shall not be considered a contested case under chapter
24 5 17A.
24 6 c. An insured may appeal the review decision by the
24 7 independent review entity conducting the review by filing a
24 8 petition for judicial review in the district court in the
24 9 county in which the insured resides. The petition for
24 10 judicial review shall be filed within fifteen business days
24 11 after the issuance of the review decision. The petition shall
24 12 name the insured as the petitioner and the insurer as the
24 13 respondent. The petitioner shall not name the independent
24 14 review entity as a party. The commissioner shall not be named
24 15 as a respondent unless the insured alleges action or inaction
24 16 by the commissioner under the standards articulated under
24 17 section 17A.19, subsection 10. Allegations made against the
24 18 commissioner under section 17A.19, subsection 10, must be
24 19 stated with particularity. The commissioner may, upon motion,
24 20 intervene in a judicial review proceeding brought pursuant to
24 21 this paragraph. The findings of fact by the independent
24 22 review entity conducting the review are conclusive and binding
24 23 on appeal.
24 24 d. An insurer shall not be subject to any penalties,
24 25 sanctions, or damages for complying in good faith with a
24 26 review decision rendered by an independent review entity
24 27 pursuant to this section.
24 28 e. Nothing contained in this section or in section
24 29 514G.109 shall be construed to limit the right of an insurer
24 30 to assert any rights an insurer may have under a long-term
24 31 care insurance policy related to:
24 32 (1) An insured's misrepresentation.
24 33 (2) Changes in the insured's benefit eligibility.
24 34 (3) Terms, conditions, and exclusions contained in the
24 35 policy, other than failure to meet the benefit trigger.



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25 1 f. The requirements of this section and section 514G.109
25 2 are not applicable to a group long-term care insurance policy
25 3 that is governed by the federal Employee Retirement Income
25 4 Security Act of 1974, as codified at 29 U.S.C. } 100 et seq.
25 5 g. The provisions of this section and section 514G.109 are
25 6 in lieu of and supersede any other third-party review
25 7 requirement contained in chapter 514J or in any other
25 8 provision of law.
25 9 h. The insured may bring an action in the district court
25 10 in the county in which the insured resides to enforce the
25 11 review decision of the independent review entity conducting
25 12 the review or the decision of the court on appeal.
25 13 10. RECEIPT OF NOTICE. Notice required by this section
25 14 shall be deemed received within five days after the date of
25 15 mailing.
25 16 Sec. 12. NEW SECTION. 514G.111 AUTHORITY TO PROMULGATE
25 17 RULES.
25 18 The commissioner may adopt rules pursuant to chapter 17A
25 19 related to long-term care insurance and to the administration
25 20 and enforcement of this chapter, including but not limited to
25 21 the following:
25 22 1. Promoting adequate premiums and protecting
25 23 policyholders in the event of substantial rate increases.
25 24 2. Establishing minimum standards for producer education,
25 25 compensation, and testing; marketing practices; reporting
25 26 practices; and penalties related to the sale of long-term care
25 27 insurance in this state.
25 28 3. Establishing loss ratio standards for long-term care
25 29 insurance policies with specific reference to such policies.
25 30 4. Providing standards for full and fair disclosure by
25 31 setting forth the manner and content of disclosures required
25 32 for the sale of long-term care insurance policies including
25 33 terms of renewability; initial and subsequent conditions of
25 34 eligibility; nonduplication of coverage provisions; coverage
25 35 of dependents; effect of preexisting conditions; termination,



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26 1 continuation, or conversion of policies; probationary periods;
26 2 limitations, exceptions, and reductions; elimination periods;
26 3 requirements for replacement; recurrent conditions; and
26 4 definitions of terms.

26 5 5. Requiring certain remedial actions necessitated by
26 6 changes in the long-term care insurance market to provide fair
26 7 and reasonable protections for long-term care insurance
26 8 purchasers and beneficiaries.

26 9 6. Ensuring the prompt payment of clean claims.

26 10 7. Administering the independent review process of
26 11 insurers' benefit trigger determinations.

26 12 Sec. 13. NEW SECTION. 514G.112 SEVERABILITY.

26 13 If any provision of this chapter or the application of this
26 14 chapter to any person or circumstance is for any reason held
26 15 to be invalid, the remainder of the chapter and the
26 16 application of the provision to other persons or circumstances
26 17 shall not be affected.

26 18 Sec. 14. NEW SECTION. 514G.113 PENALTIES.

26 19 In addition to any other penalties provided by the laws of
26 20 this state, any insurer or any producer found to have violated
26 21 a provision of this chapter or any other requirement of this
26 22 state relating to the regulation of long-term care insurance
26 23 or the marketing of such insurance shall be subject to a fine
26 24 of up to three times the amount of any commission paid for
26 25 each policy involved in the violation, or up to ten thousand
26 26 dollars, whichever is greater.

26 27 Sec. 15. Section 514H.1, subsection 3, Code 2007, is
26 28 amended to read as follows:

26 29 3. "Long-term care insurance" means long-term care
26 30 insurance as defined in section ~~514G.4~~ 514G.103 and regulated
26 31 in section ~~514G.7~~ 514G.105.

26 32 Sec. 16. Sections 514G.1 through 514G.8 and section
26 33 514G.10, Code 2007, are repealed.

26 34 Sec. 17. SENIOR HEALTH INSURANCE INFORMATION PROGRAM ==
26 35 APPROPRIATION. There is appropriated from the general fund of



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27 1 the state to the division of insurance of the department of
27 2 commerce for the fiscal year beginning July 1, 2008, and
27 3 ending June 30, 2009, the following amount, or so much thereof
27 4 as is necessary, for the use of the senior health insurance
27 5 information program:

27 6	\$	60,000
27 7	FTEs	1.00

27 8 Sec. 18. EFFECTIVE DATE. The provision of this
27 9 Act enacting section 514G.109, subsection 2, paragraph
27 10 "c", and the section of this Act enacting section
27 11 514G.110 take effect on January 1, 2009.

EXPLANATION

27 13 This bill repeals existing provisions regulating long-term
27 14 care insurance and creates new ones, provides for penalties,
27 15 repeals, and an appropriation. The new provisions apply to
27 16 policies delivered or issued for delivery in this state on or
27 17 after July 1, 2008.

27 18 DEFINITIONS == STANDARDS. The bill includes new and
27 19 additional definitions and expanded disclosure and performance
27 20 standards for long-term care insurance. These standards set
27 21 forth prohibited policy practices and permissible treatment of
27 22 preexisting conditions, prior hospitalizations, and
27 23 institutionalizations. The standards also allow applicants
27 24 for such insurance the right to return a policy and to receive
27 25 a refund. The standards require an outline of coverage and
27 26 specify contents of that outline and any group certificate
27 27 that is issued. Policies must be delivered within 30 days
27 28 after an application is approved. Individual life insurance
27 29 policies which provide for long-term care benefits within the
27 30 policy or by rider are required to provide a written policy
27 31 summary. If a long-term care benefit funded through life
27 32 insurance is in benefit payment status, the policyholder is
27 33 entitled to a monthly report. Within 60 days of denying a
27 34 claim under a long-term care insurance contract, an insurer
27 35 must provide a written explanation of the denial.



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28 1 INCONTESTABILITY PERIOD. The bill sets forth conditions
28 2 under which an insurer is allowed to rescind a long-term care
28 3 insurance policy or certificate or deny a claim thereunder.
28 4 NONFORFEITURE BENEFITS. The bill requires insurers to
28 5 offer long-term care insurance policyholders and certificate
28 6 holders the option to purchase a nonforfeiture benefit.
28 7 PROMPT PAYMENT OF CLAIMS. The bill contains requirements
28 8 for prompt payment of claims when there are no circumstances
28 9 which prevent prompt payment from being made.
28 10 BENEFIT TRIGGER DETERMINATIONS. The bill requires insurers
28 11 to notify an insured making a claim under a long-term care
28 12 insurance policy when the insurer denies the payment of
28 13 benefits because the insured's benefit trigger has not been
28 14 met. The bill requires the insurer to provide an internal
28 15 review process to the insured to appeal the insurer's initial
28 16 benefit trigger determination. If the internal appeal
28 17 decision upholds the denial of benefits, the insurer must
28 18 notify the insured of additional internal appeal rights, if
28 19 any, and that the insured has the right to request an
28 20 independent review of the benefit trigger determination.
28 21 INDEPENDENT REVIEW. The bill sets forth the process for an
28 22 independent review of an insurer's benefit determination. The
28 23 commissioner is required to certify a list of qualified
28 24 independent review entities that meet the specified criteria
28 25 required to be a reviewer of an insurer's benefit trigger
28 26 determination.
28 27 RULES. The commissioner is authorized to adopt rules
28 28 pursuant to Code chapter 17A related to long-term care
28 29 insurance and to the administration and enforcement of Code
28 30 chapter 514G.
28 31 SEVERABILITY. If any of the provisions of the bill are
28 32 found to be invalid, the remainder are not affected.
28 33 PENALTIES. If an insurer or insurance producer violates
28 34 any requirements relating to long-term care insurance or the
28 35 marketing of such insurance, that person is subject to a fine



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29 1 of up to three times the amount of any commission paid for
29 2 each policy involved in the violation, or up to \$10,000,
29 3 whichever is greater. This penalty is in addition to any
29 4 other penalties provided for by state law.
29 5 REPEALS. Code sections 514G.1 through 514G.8 and section
29 6 514G.10, which currently regulate long-term care insurance,
29 7 are repealed on July 1, 2008.
29 8 SENIOR HEALTH INSURANCE INFORMATION PROGRAM ==
29 9 APPROPRIATION. There is an appropriation of \$60,000 from the
29 10 state's general fund to fund one full-time position for the
29 11 senior health insurance information program in the division of
29 12 insurance. The purpose of this program is to assist in the
29 13 dissemination of objective and noncommercial educational
29 14 material and to raise public awareness of prudent consumer
29 15 choices in considering the purchase of various insurance
29 16 products designed for the health care needs of older Iowans.
29 17 EFFECTIVE DATE. The provisions of the Act referring to and
29 18 enacting the independent review process of benefit trigger
29 19 determinations take effect January 1, 2009.
29 20 LSB 5433SV 82
29 21 av/nh/8



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Senate Study Bill 3263

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

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

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



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

1 3 8.7 REPORTING OF GIFTS AND BEQUESTS RECEIVED.

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

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

1 26 8.9 GRANTS ENTERPRISE MANAGEMENT OFFICE.

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



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

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

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

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

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



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Senate Study Bill 3263 continued

3 1 2007, is amended to read as follows:

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

3 13 EXPLANATION

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

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

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

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



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Senate Study Bill 3263 continued

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



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Senate Study Bill 3264

SENATE/HOUSE FILE

BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY JOINT
APPROPRIATIONS SUBCOMMITTEE ON
ADMINISTRATION AND REGULATION)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

- 1 An Act relating to and making appropriations to certain state
- 2 departments, agencies, funds, and certain other entities,
- 3 providing for regulatory authority, and other properly related
- 4 matters and providing an effective date.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 6 TL5B 5000JB 82
- 7 ec/mg/5



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1 1 Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES.
 1 2 1. There is appropriated from the general fund of the
 1 3 state to the department of administrative services for the
 1 4 fiscal year beginning July 1, 2008, and ending June 30, 2009,
 1 5 the following amounts, or so much thereof as is necessary, to
 1 6 be used for the purposes designated:
 1 7 a. For salaries, support, maintenance, and miscellaneous
 1 8 purposes, and for not more than the following full-time
 1 9 equivalent positions:
 1 10 \$ 6,389,186
 1 11 FTEs 457.33
 1 12 b. For the payment of utility costs:
 1 13 \$ 3,704,800
 1 14 Notwithstanding section 8.33, any excess funds appropriated
 1 15 for utility costs in this lettered paragraph shall not revert
 1 16 to the general fund of the state at the end of the fiscal year
 1 17 but shall remain available for expenditure for the purposes of
 1 18 this lettered paragraph during the succeeding fiscal year.
 1 19 It is the intent of the general assembly that the
 1 20 department shall reduce utility costs through energy
 1 21 conservation practices. The goal of the general assembly is
 1 22 to reduce energy use by 10 percent to save money, conserve
 1 23 energy resources, and reduce pollution.
 1 24 2. Members of the general assembly serving as members of
 1 25 the deferred compensation advisory board shall be entitled to
 1 26 receive per diem and necessary travel and actual expenses
 1 27 pursuant to section 2.10, subsection 5, while carrying out
 1 28 their official duties as members of the board.
 1 29 3. Any funds and premiums collected by the department for
 1 30 workers' compensation shall be segregated into a separate
 1 31 workers' compensation fund in the state treasury to be used
 1 32 for payment of state employees' workers' compensation claims
 1 33 and administrative costs. Notwithstanding section 8.33,
 1 34 unencumbered or unobligated moneys remaining in this workers'
 1 35 compensation fund at the end of the fiscal year shall not



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2 1 revert but shall be available for expenditure for purposes of
2 2 the fund for subsequent fiscal years.

2 3 Sec. 2. REVOLVING FUNDS. There is appropriated to the
2 4 department of administrative services for the fiscal year
2 5 beginning July 1, 2008, and ending June 30, 2009, from the
2 6 revolving funds designated in chapter 8A and from internal
2 7 service funds created by the department such amounts as the
2 8 department deems necessary for the operation of the department
2 9 consistent with the requirements of chapter 8A.

2 10 Sec. 3. FUNDING FOR IOWACCESS.

2 11 1. Notwithstanding section 321A.3, subsection 1, for the
2 12 fiscal year beginning July 1, 2008, and ending June 30, 2009,
2 13 the first \$1,000,000 collected and transferred by the
2 14 department of transportation to the treasurer of state with
2 15 respect to the fees for transactions involving the furnishing
2 16 of a certified abstract of a vehicle operating record under
2 17 section 321A.3, subsection 1, shall be transferred to the
2 18 IowAccess revolving fund established by section 8A.224 and
2 19 administered by the department of administrative services for
2 20 the purposes of developing, implementing, maintaining, and
2 21 expanding electronic access to government records as provided
2 22 by law.

2 23 2. All fees collected with respect to transactions
2 24 involving IowAccess shall be deposited in the IowAccess
2 25 revolving fund and shall be used only for the support of
2 26 IowAccess projects.

2 27 Sec. 4. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION
2 28 CHARGE. For the fiscal year beginning July 1, 2008, and
2 29 ending June 30, 2009, the monthly per contract administrative
2 30 charge which may be assessed by the department of
2 31 administrative services shall be \$2 per contract on all health
2 32 insurance plans administered by the department.

2 33 Sec. 5. AUDITOR OF STATE. There is appropriated from the
2 34 general fund of the state to the office of the auditor of
2 35 state for the fiscal year beginning July 1, 2008, and ending



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3 1 June 30, 2009, the following amount, or so much thereof as is
3 2 necessary, to be used for the purposes designated:
3 3 For salaries, support, maintenance, and miscellaneous
3 4 purposes, and for not more than the following full-time
3 5 equivalent positions:

3 6	\$ 1,249,178
3 7	FTEs 103.00

3 8 The auditor of state may retain additional full-time
3 9 equivalent positions as is reasonable and necessary to perform
3 10 governmental subdivision audits which are reimbursable
3 11 pursuant to section 11.20 or 11.21, to perform audits which
3 12 are requested by and reimbursable from the federal government,
3 13 and to perform work requested by and reimbursable from
3 14 departments or agencies pursuant to section 11.5A or 11.5B.
3 15 The auditor of state shall notify the department of
3 16 management, the legislative fiscal committee, and the
3 17 legislative services agency of the additional full-time
3 18 equivalent positions retained.

3 19 As a condition of receiving funding appropriated in this
3 20 section, the auditor shall not be authorized to seek
3 21 reimbursement from a department or agency specified in section
3 22 11.5B in an amount that exceeds the amount reimbursed to the
3 23 auditor by that department or agency for the fiscal year
3 24 beginning July 1, 2007.

3 25 Sec. 6. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There
3 26 is appropriated from the general fund of the state to the Iowa
3 27 ethics and campaign disclosure board for the fiscal year
3 28 beginning July 1, 2008, and ending June 30, 2009, the
3 29 following amount, or so much thereof as is necessary, for the
3 30 purposes designated:

3 31 For salaries, support, maintenance, and miscellaneous	
3 32 purposes, and for not more than the following full-time	
3 33 equivalent positions:	
3 34	\$ 527,122
3 35	FTEs 6.00



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4 1 Sec. 7. DEPARTMENT OF COMMERCE. There is appropriated
 4 2 from the general fund of the state to the department of
 4 3 commerce for the fiscal year beginning July 1, 2008, and
 4 4 ending June 30, 2009, the following amounts, or so much
 4 5 thereof as is necessary, for the purposes designated:

4 6 1. ALCOHOLIC BEVERAGES DIVISION
 4 7 For salaries, support, maintenance, and miscellaneous
 4 8 purposes, and for not more than the following full-time
 4 9 equivalent positions:

4 10	.....	\$	2,079,509
4 11	.....	FTEs	37.00

4 12 2. BANKING DIVISION
 4 13 a. Banking. For salaries, support, maintenance, and
 4 14 miscellaneous purposes, and for not more than the following
 4 15 full-time equivalent positions:

4 16	.....	\$	8,200,316
4 17	.....	FTEs	73.00

4 18 b. Professional licensing and regulation. For salaries,
 4 19 support, maintenance, and miscellaneous purposes, and for not
 4 20 more than the following full-time equivalent positions:

4 21	.....	\$	945,982
4 22	.....	FTEs	16.00

4 23 3. CREDIT UNION DIVISION
 4 24 For salaries, support, maintenance, and miscellaneous
 4 25 purposes, and for not more than the following full-time
 4 26 equivalent positions:

4 27	.....	\$	1,631,740
4 28	.....	FTEs	19.00

4 29 4. INSURANCE DIVISION
 4 30 a. For salaries, support, maintenance, and miscellaneous
 4 31 purposes, and for not more than the following full-time
 4 32 equivalent positions:

4 33	.....	\$	4,857,123
4 34	FTEs	100.50

4 35 b. The insurance division may reallocate authorized full=



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5 1 time equivalent positions as necessary to respond to
 5 2 accreditation recommendations or requirements. The insurance
 5 3 division expenditures for examination purposes may exceed the
 5 4 projected receipts, refunds, and reimbursements, estimated
 5 5 pursuant to section 505.7, subsection 7, including the
 5 6 expenditures for retention of additional personnel, if the
 5 7 expenditures are fully reimbursable and the division first
 5 8 does both of the following:

5 9 (1) Notifies the department of management, the legislative
 5 10 services agency, and the legislative fiscal committee of the
 5 11 need for the expenditures.

5 12 (2) Files with each of the entities named in subparagraph
 5 13 (1) the legislative and regulatory justification for the
 5 14 expenditures, along with an estimate of the expenditures.

5 15 c. The insurance division shall allocate \$10,000 from the
 5 16 examination receipts for the payment of its fees to the
 5 17 national conference of insurance legislators.

5 18 5. UTILITIES DIVISION

5 19 a. For salaries, support, maintenance, and miscellaneous
 5 20 purposes, and for not more than the following full-time
 5 21 equivalent positions:

5 22	\$ 7,573,402
5 23	FTEs 79.00

5 24 b. The utilities division may expend additional funds,
 5 25 including funds for additional personnel, if those additional
 5 26 expenditures are actual expenses which exceed the funds
 5 27 budgeted for utility regulation and the expenditures are fully
 5 28 reimbursable. Before the division expends or encumbers an
 5 29 amount in excess of the funds budgeted for regulation, the
 5 30 division shall first do both of the following:

5 31 (1) Notify the department of management, the legislative
 5 32 services agency, and the legislative fiscal committee of the
 5 33 need for the expenditures.

5 34 (2) File with each of the entities named in subparagraph
 5 35 (1) the legislative and regulatory justification for the



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6 1 expenditures, along with an estimate of the expenditures.
 6 2 c. Notwithstanding sections 8.33 and 476.10 or any other
 6 3 provision to the contrary, any balance of the appropriation
 6 4 made in this subsection for the utilities division or any
 6 5 other operational appropriation made for the fiscal year
 6 6 beginning July 1, 2008, and ending June 30, 2009, that remains
 6 7 unused, unencumbered, or unobligated at the close of the
 6 8 fiscal year shall not revert but shall remain available to be
 6 9 used for purposes of the energy-efficient building project
 6 10 authorized under section 476.10B, or for relocation costs in
 6 11 succeeding fiscal years.

6 12 6. CHARGES == TRAVEL

6 13 Each division and the office of consumer advocate shall
 6 14 include in its charges assessed or revenues generated an
 6 15 amount sufficient to cover the amount stated in its
 6 16 appropriation and any state-assessed indirect costs determined
 6 17 by the department of administrative services. The director of
 6 18 the department of commerce shall review on a quarterly basis
 6 19 all out-of-state travel for the previous quarter for officers
 6 20 and employees of each division of the department if the travel
 6 21 is not already authorized by the executive council.

6 22 Sec. 8. DEPARTMENT OF COMMERCE == PROFESSIONAL LICENSING
 6 23 AND REGULATION BUREAU. There is appropriated from the housing
 6 24 improvement fund of the department of economic development to
 6 25 the bureau of professional licensing and regulation of the
 6 26 banking division of the department of commerce for the fiscal
 6 27 year beginning July 1, 2008, and ending June 30, 2009, the
 6 28 following amount, or so much thereof as is necessary, to be
 6 29 used for the purposes designated:

6 30 For salaries, support, maintenance, and miscellaneous
 6 31 purposes:
 6 32 \$ 62,317

6 33 Sec. 9. GOVERNOR AND LIEUTENANT GOVERNOR. There is
 6 34 appropriated from the general fund of the state to the offices
 6 35 of the governor and the lieutenant governor for the fiscal



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7 1 year beginning July 1, 2008, and ending June 30, 2009, the
 7 2 following amounts, or so much thereof as is necessary, to be
 7 3 used for the purposes designated:

7 4 1. GENERAL OFFICE
 7 5 For salaries, support, maintenance, and miscellaneous
 7 6 purposes for the general office of the governor and the
 7 7 general office of the lieutenant governor, and for not more
 7 8 than the following full-time equivalent positions:

7 9	\$	2,224,462
7 10	FTEs	23.25

7 11 2. TERRACE HILL QUARTERS
 7 12 For salaries, support, maintenance, and miscellaneous
 7 13 purposes for the governor's quarters at Terrace Hill, and for
 7 14 not more than the following full-time equivalent positions:

7 15	\$	452,593
7 16	FTEs	10.00

7 17 3. ADMINISTRATIVE RULES COORDINATOR
 7 18 For salaries, support, maintenance, and miscellaneous
 7 19 purposes for the office of administrative rules coordinator,
 7 20 and for not more than the following full-time equivalent
 7 21 positions:

7 22	\$	158,873
7 23	FTEs	3.00

7 24 4. NATIONAL GOVERNORS ASSOCIATION
 7 25 For payment of Iowa's membership in the national governors
 7 26 association:

7 27	\$	80,600
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7 28 5. STATE=FEDERAL RELATIONS
 7 29 For salaries, support, maintenance, and miscellaneous
 7 30 purposes, and for not more than the following full-time
 7 31 equivalent positions:

7 32	\$	131,222
7 33	FTEs	2.00

7 34 Sec. 10. GOVERNOR'S OFFICE OF DRUG CONTROL POLICY.
 7 35 1. There is appropriated from the general fund of the



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8 1 state to the governor's office of drug control policy for the
8 2 fiscal year beginning July 1, 2008, and ending June 30, 2009,
8 3 the following amount, or so much thereof as is necessary, to
8 4 be used for the purposes designated:

8 5 a. For salaries, support, maintenance, and miscellaneous
8 6 purposes, including statewide coordination of the drug abuse
8 7 resistance education (D.A.R.E.) programs or similar programs,
8 8 and for not more than the following full-time equivalent
8 9 positions:
8 10 \$ 346,731
8 11 FTEs 8.00

8 12 b. For support of multijurisdictional drug enforcement
8 13 programs:
8 14 \$ 1,760,000

8 15 The programs shall provide for at least a 25 percent local
8 16 match.

8 17 2. The governor's office of drug control policy, in
8 18 consultation with the department of public health, and after
8 19 discussion and collaboration with all interested agencies,
8 20 shall coordinate substance abuse treatment and prevention
8 21 efforts in order to avoid duplication of services.

8 22 Sec. 11. DEPARTMENT OF HUMAN RIGHTS. There is
8 23 appropriated from the general fund of the state to the
8 24 department of human rights for the fiscal year beginning July
8 25 1, 2008, and ending June 30, 2009, the following amounts, or
8 26 so much thereof as is necessary, to be used for the purposes
8 27 designated:

8 28 1. CENTRAL ADMINISTRATION DIVISION
8 29 For salaries, support, maintenance, and miscellaneous
8 30 purposes, and for not more than the following full-time
8 31 equivalent positions:
8 32 \$ 341,535
8 33 FTEs 7.00

8 34 2. DEAF SERVICES DIVISION
8 35 For salaries, support, maintenance, and miscellaneous



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9 1 purposes, and for not more than the following full-time
 9 2 equivalent positions:
 9 3 \$ 413,700
 9 4 FTEs 6.00
 9 5 3. STATUS OF IOWANS OF ASIAN AND PACIFIC ISLANDER HERITAGE
 9 6 DIVISION
 9 7 For salaries, support, maintenance, and miscellaneous
 9 8 purposes, and for not more than the following full-time
 9 9 equivalent positions:
 9 10 \$ 127,093
 9 11 FTEs 1.00
 9 12 4. PERSONS WITH DISABILITIES DIVISION
 9 13 For salaries, support, maintenance, and miscellaneous
 9 14 purposes, and for not more than the following full-time
 9 15 equivalent positions:
 9 16 \$ 206,221
 9 17 FTEs 3.20
 9 18 5. LATINO AFFAIRS DIVISION
 9 19 For salaries, support, maintenance, and miscellaneous
 9 20 purposes, and for not more than the following full-time
 9 21 equivalent positions:
 9 22 \$ 191,035
 9 23 FTEs 3.00
 9 24 6. STATUS OF WOMEN DIVISION
 9 25 For salaries, support, maintenance, and miscellaneous
 9 26 purposes, including the Iowans in transition program and the
 9 27 domestic violence and sexual assault-related grants, and for
 9 28 not more than the following full-time equivalent positions:
 9 29 \$ 353,203
 9 30 FTEs 3.00
 9 31 7. STATUS OF AFRICAN-AMERICANS DIVISION
 9 32 For salaries, support, maintenance, and miscellaneous
 9 33 purposes, and for not more than the following full-time
 9 34 equivalent positions:
 9 35 \$ 187,066



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10 1 FTEs 2.00
 10 2 8. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION
 10 3 For salaries, support, maintenance, and miscellaneous
 10 4 purposes, and for not more than the following full-time
 10 5 equivalent positions:
 10 6 \$ 1,587,333
 10 7 FTEs 11.18
 10 8 The criminal and juvenile justice planning advisory council
 10 9 and the juvenile justice advisory council shall coordinate
 10 10 their efforts in carrying out their respective duties relative
 10 11 to juvenile justice.
 10 12 9. SHARED STAFF
 10 13 The divisions of the department of human rights shall
 10 14 retain their individual administrators, but shall share staff
 10 15 to the greatest extent possible.
 10 16 Sec. 12. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
 10 17 appropriated from the general fund of the state to the
 10 18 department of inspections and appeals for the fiscal year
 10 19 beginning July 1, 2008, and ending June 30, 2009, the
 10 20 following amounts, or so much thereof as is necessary, for the
 10 21 purposes designated:
 10 22 1. ADMINISTRATION DIVISION
 10 23 For salaries, support, maintenance, and miscellaneous
 10 24 purposes, and for not more than the following full-time
 10 25 equivalent positions:
 10 26 \$ 2,209,075
 10 27 FTEs 39.25
 10 28 As a condition of receiving funding appropriated in this
 10 29 subsection, the department shall maintain the targeted small
 10 30 business certification employee position within the division.
 10 31 2. ADMINISTRATIVE HEARINGS DIVISION
 10 32 For salaries, support, maintenance, and miscellaneous
 10 33 purposes, and for not more than the following full-time
 10 34 equivalent positions:
 10 35 \$ 708,962



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11	1 FTEs	24.00
11	2	3. INVESTIGATIONS DIVISION	
11	3	For salaries, support, maintenance, and miscellaneous	
11	4	purposes, and for not more than the following full-time	
11	5	equivalent positions:	
11	6	..... \$	1,599,591
11	7	..... FTEs	49.00
11	8	4. HEALTH FACILITIES DIVISION	
11	9	For salaries, support, maintenance, and miscellaneous	
11	10	purposes, and for not more than the following full-time	
11	11	equivalent positions:	
11	12	..... \$	2,498,437
11	13	..... FTEs	142.75
11	14	5. EMPLOYMENT APPEAL BOARD	
11	15	For salaries, support, maintenance, and miscellaneous	
11	16	purposes, and for not more than the following full-time	
11	17	equivalent positions:	
11	18	..... \$	58,117
11	19	..... FTEs	15.00
11	20	The employment appeal board shall be reimbursed by the	
11	21	labor services division of the department of workforce	
11	22	development for all costs associated with hearings conducted	
11	23	under chapter 91C, related to contractor registration. The	
11	24	board may expend, in addition to the amount appropriated under	
11	25	this subsection, additional amounts as are directly billable	
11	26	to the labor services division under this subsection and to	
11	27	retain the additional full-time equivalent positions as needed	
11	28	to conduct hearings required pursuant to chapter 91C.	
11	29	6. CHILD ADVOCACY BOARD	
11	30	For foster care review and the court appointed special	
11	31	advocate program, including salaries, support, maintenance,	
11	32	and miscellaneous purposes, and for not more than the	
11	33	following full-time equivalent positions:	
11	34 \$	2,751,058
11	35 FTEs	45.12



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12 1 a. The department of human services, in coordination with
12 2 the child advocacy board and the department of inspections and
12 3 appeals, shall submit an application for funding available
12 4 pursuant to Title IV=E of the federal Social Security Act for
12 5 claims for child advocacy board administrative review costs.

12 6 b. The court appointed special advocate program shall
12 7 investigate and develop opportunities for expanding fund=
12 8 raising for the program.

12 9 c. Administrative costs charged by the department of
12 10 inspections and appeals for items funded under this subsection
12 11 shall not exceed 4 percent of the amount appropriated in this
12 12 subsection.

12 13 Sec. 13. RACING AND GAMING COMMISSION.

12 14 1. RACETRACK REGULATION

12 15 There is appropriated from the general fund of the state to
12 16 the racing and gaming commission of the department of
12 17 inspections and appeals for the fiscal year beginning July 1,
12 18 2008, and ending June 30, 2009, the following amount, or so
12 19 much thereof as is necessary, to be used for the purposes
12 20 designated:

12 21 For salaries, support, maintenance, and miscellaneous
12 22 purposes for the regulation of pari=mutuel racetracks, and for
12 23 not more than the following full=time equivalent positions:
12 24 \$ 2,827,266
12 25 FTEs 28.53

12 26 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

12 27 There is appropriated from the general fund of the state to
12 28 the racing and gaming commission of the department of
12 29 inspections and appeals for the fiscal year beginning July 1,
12 30 2008, and ending June 30, 2009, the following amount, or so
12 31 much thereof as is necessary, to be used for the purposes
12 32 designated:

12 33 For salaries, support, maintenance, and miscellaneous
12 34 purposes for administration and enforcement of the excursion
12 35 boat gambling and gambling structure laws, and for not more



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13 1 than the following full-time equivalent positions:
 13 2 \$ 3,171,229
 13 3 FTEs 42.22
 13 4 Sec. 14. USE TAX APPROPRIATION. There is appropriated
 13 5 from the use tax receipts collected pursuant to sections
 13 6 423.26 and 423.27 prior to their deposit in the road use tax
 13 7 fund pursuant to section 423.43 to the administrative hearings
 13 8 division of the department of inspections and appeals for the
 13 9 fiscal year beginning July 1, 2008, and ending June 30, 2009,
 13 10 the following amount, or so much thereof as is necessary, for
 13 11 the purposes designated:
 13 12 For salaries, support, maintenance, and miscellaneous
 13 13 purposes:
 13 14 \$ 1,623,897
 13 15 Sec. 15. DEPARTMENT OF MANAGEMENT. There is appropriated
 13 16 from the general fund of the state to the department of
 13 17 management for the fiscal year beginning July 1, 2008, and
 13 18 ending June 30, 2009, the following amounts, or so much
 13 19 thereof as is necessary, to be used for the purposes
 13 20 designated:
 13 21 For salaries, support, maintenance, and miscellaneous
 13 22 purposes, and for not more than the following full-time
 13 23 equivalent positions:
 13 24 \$ 3,178,337
 13 25 FTEs 37.50
 13 26 Of the moneys appropriated in this section, the department
 13 27 shall use a portion for enterprise resource planning,
 13 28 providing for a salary model administrator, conducting
 13 29 performance audits, and for the department's LEAN process.
 13 30 As a condition of receiving funding appropriated in this
 13 31 section, the department of management shall report to the
 13 32 members and staff of the joint appropriations subcommittee on
 13 33 administration and regulation by January 1, 2009, concerning
 13 34 the feasibility and costs of creating and publishing on the
 13 35 internet a publicly available, single state database providing



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14 1 detailed information on state funding that is subject to state
14 2 budgeting and expenditure.

14 3 Sec. 16. ROAD USE TAX APPROPRIATION. There is
14 4 appropriated from the road use tax fund to the department of
14 5 management for the fiscal year beginning July 1, 2008, and
14 6 ending June 30, 2009, the following amount, or so much thereof
14 7 as is necessary, to be used for the purposes designated:

14 8 For salaries, support, maintenance, and miscellaneous
14 9 purposes:
14 10 \$ 56,000

14 11 Sec. 17. DEPARTMENT OF REVENUE. There is appropriated
14 12 from the general fund of the state to the department of
14 13 revenue for the fiscal year beginning July 1, 2008, and ending
14 14 June 30, 2009, the following amounts, or so much thereof as is
14 15 necessary, to be used for the purposes designated:

14 16 For salaries, support, maintenance, and miscellaneous
14 17 purposes, and for not more than the following full-time
14 18 equivalent positions:
14 19 \$ 26,472,699
14 20 FTEs 399.01

14 21 Of the funds appropriated pursuant to this section,
14 22 \$400,000 shall be used to pay the direct costs of compliance
14 23 related to the collection and distribution of local sales and
14 24 services taxes imposed pursuant to chapters 423B and 423E.

14 25 The director of revenue shall prepare and issue a state
14 26 appraisal manual and the revisions to the state appraisal
14 27 manual as provided in section 421.17, subsection 17, without
14 28 cost to a city or county.

14 29 Sec. 18. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is
14 30 appropriated from the motor fuel tax fund created by section
14 31 452A.77 to the department of revenue for the fiscal year
14 32 beginning July 1, 2008, and ending June 30, 2009, the
14 33 following amount, or so much thereof as is necessary, to be
14 34 used for the purposes designated:

14 35 For salaries, support, maintenance, and miscellaneous



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15 1 purposes for administration and enforcement of the provisions
 15 2 of chapter 452A and the motor vehicle use tax program:
 15 3 \$ 1,305,775
 15 4 Sec. 19. SECRETARY OF STATE. There is appropriated from
 15 5 the general fund of the state to the office of the secretary
 15 6 of state for the fiscal year beginning July 1, 2008, and
 15 7 ending June 30, 2009, the following amounts, or so much
 15 8 thereof as is necessary, to be used for the purposes
 15 9 designated:
 15 10 1. ADMINISTRATION AND ELECTIONS
 15 11 For salaries, support, maintenance, and miscellaneous
 15 12 purposes, and for not more than the following full-time
 15 13 equivalent positions:
 15 14 \$ 1,370,063
 15 15 FTEs 17.00
 15 16 The state department or state agency which provides data
 15 17 processing services to support voter registration file
 15 18 maintenance and storage shall provide those services without
 15 19 charge.
 15 20 2. BUSINESS SERVICES
 15 21 For salaries, support, maintenance, and miscellaneous
 15 22 purposes, and for not more than the following full-time
 15 23 equivalent positions:
 15 24 \$ 2,012,018
 15 25 FTEs 25.00
 15 26 Sec. 20. SECRETARY OF STATE FILING FEES REFUND.
 15 27 Notwithstanding the obligation to collect fees pursuant to the
 15 28 provisions of section 490.122, subsection 1, paragraphs "a"
 15 29 and "s", and section 504.113, subsection 1, paragraphs "a",
 15 30 "c", "d", "j", "k", "l", and "m", for the fiscal year
 15 31 beginning July 1, 2008, and ending June 30, 2009, the
 15 32 secretary of state may refund these fees to the filer pursuant
 15 33 to rules established by the secretary of state. The decision
 15 34 of the secretary of state not to issue a refund under rules
 15 35 established by the secretary of state is final and not subject



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16 1 to review pursuant to the provisions of the Iowa
 16 2 administrative procedure Act, chapter 17A.
 16 3 Sec. 21. TREASURER. There is appropriated from the
 16 4 general fund of the state to the office of treasurer of state
 16 5 for the fiscal year beginning July 1, 2008, and ending June
 16 6 30, 2009, the following amount, or so much thereof as is
 16 7 necessary, to be used for the purposes designated:
 16 8 For salaries, support, maintenance, and miscellaneous
 16 9 purposes, and for not more than the following full-time
 16 10 equivalent positions:
 16 11 \$ 1,027,970
 16 12 FTEs 28.80
 16 13 The office of treasurer of state shall supply clerical and
 16 14 secretarial support for the executive council.
 16 15 Sec. 22. ROAD USE TAX APPROPRIATION. There is
 16 16 appropriated from the road use tax fund to the office of
 16 17 treasurer of state for the fiscal year beginning July 1, 2008,
 16 18 and ending June 30, 2009, the following amount, or so much
 16 19 thereof as necessary, to be used for the purposes designated:
 16 20 For enterprise resource management costs related to the
 16 21 distribution of road use tax funds:
 16 22 \$ 93,148
 16 23 Sec. 23. IPERS == GENERAL OFFICE. There is appropriated
 16 24 from the Iowa public employees' retirement system fund to the
 16 25 Iowa public employees' retirement system for the fiscal year
 16 26 beginning July 1, 2008, and ending June 30, 2009, the
 16 27 following amount, or so much thereof as is necessary, to be
 16 28 used for the purposes designated:
 16 29 For salaries, support, maintenance, and other operational
 16 30 purposes to pay the costs of the Iowa public employees'
 16 31 retirement system, and for not more than the following full-
 16 32 time equivalent positions:
 16 33 \$ 17,313,766
 16 34 FTEs 95.13
 16 35 Sec. 24. Section 469.10, subsection 2, Code Supplement



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17 1 2007, is amended to read as follows:

17 2 2. Of the moneys appropriated to the office and deposited
17 3 in the fund, the office shall utilize up to ~~one and~~
~~17 4 five-tenths~~ five percent of the amount appropriated from the
17 5 fund for a fiscal year for administrative costs. From the
17 6 funds available for administrative costs, the office shall not
17 7 employ more than four full-time equivalent positions.

17 8 Sec. 25. 2007 Iowa Acts, chapter 217, section 7,
17 9 subsection 5, is amended by adding the following new
17 10 paragraph:

17 11 NEW PARAGRAPH. c. Notwithstanding sections 8.33 and
17 12 476.10 or any other provision to the contrary, any balance of
17 13 the appropriation made in this subsection for the utilities
17 14 division or any other operational appropriation made for the
17 15 fiscal year beginning July 1, 2007, and ending June 30, 2008,
17 16 that remains unused, unencumbered, or unobligated at the close
17 17 of the fiscal year shall not revert but shall remain available
17 18 to be used for purposes of the energy-efficient building
17 19 project authorized under section 476.10B, or for relocation
17 20 costs in succeeding fiscal years.

17 21 Sec. 26. 2007 Iowa Acts, chapter 217, section 10,
17 22 subsection 1, paragraph b, is amended to read as follows:

17 23 b. For support of multijurisdictional drug enforcement
17 24 programs:

17 25 \$ 1,400,000

~~17 26 If federal funding is received for multijurisdictional drug
17 27 enforcement programs during the fiscal year beginning July 1,
17 28 2007, and ending June 30, 2008, of the moneys appropriated in
17 29 this lettered paragraph an amount equal to the federal funding
17 30 received less \$1,560,000 shall revert to the general fund of
17 31 the state at the end of the fiscal year. The programs shall
17 32 provide for at least a 25 percent local match.~~

17 33 Notwithstanding section 8.33, moneys appropriated in this
17 34 lettered paragraph that remain unencumbered or unobligated at
17 35 the close of the fiscal year shall not revert but shall remain



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18 1 available for expenditure for the purpose designated until the
18 2 close of the succeeding fiscal year.

18 3 Sec. 27. EFFECTIVE DATES.

18 4 1. The provision of this Act amending 2007 Iowa Acts,
18 5 chapter 217, section 7, relating to the expenditure authority
18 6 of the utilities board for the fiscal year beginning July 1,
18 7 2007, and ending June 30, 2008, for purposes of a building
18 8 project, being deemed of immediate importance, takes effect
18 9 upon enactment.

18 10 2. The provision of this Act amending 2007 Iowa Acts,
18 11 chapter 217, section 10, relating to appropriations to the
18 12 governor's office of drug control policy, being deemed of
18 13 immediate importance, takes effect upon enactment.

18 14 EXPLANATION

18 15 This bill relates to and appropriates moneys to various
18 16 state departments, agencies, and funds for the fiscal year
18 17 beginning July 1, 2008, and ending June 30, 2009. The
18 18 division makes appropriations to state departments and
18 19 agencies including the department of administrative services,
18 20 auditor of state, Iowa ethics and campaign disclosure board,
18 21 department of commerce, offices of governor and lieutenant
18 22 governor, Terrace Hill quarters and drug control policy
18 23 office, department of human rights, department of inspections
18 24 and appeals, department of management, Iowa public employees'
18 25 retirement system, secretary of state, treasurer of state, and
18 26 department of revenue. The bill also appropriates funding for
18 27 the state's membership in the national governors association.

18 28 Code section 469.10, concerning the Iowa power fund, is
18 29 amended to provide that the office of energy independence may
18 30 utilize up to 5 percent, instead of 1.5 percent, of moneys
18 31 appropriated to the office from the fund in a fiscal year for
18 32 administrative costs.

18 33 The bill also provides that the utilities board has the
18 34 authority, for the fiscal years beginning July 1, 2007, and
18 35 July 1, 2008, to use the balance of any appropriations made to



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19 1 the board at the end of each fiscal year for purposes of an
19 2 energy=efficient building project. The provision of the bill
19 3 granting the utilities board this expenditure authority for
19 4 the fiscal year beginning July 1, 2007, takes effect upon
19 5 enactment.

19 6 The bill provides that moneys appropriated to the
19 7 governor's office of drug control policy for the fiscal year
19 8 beginning July 1, 2007, for support of multijurisdictional
19 9 drug enforcement programs, shall not be reduced by any federal
19 10 funding received and moneys appropriated but unexpended at the
19 11 close of the fiscal year shall not revert but shall remain
19 12 available until the close of the next fiscal year. This
19 13 provision takes effect upon enactment.

19 14 LSB 5000JB 82

19 15 ec/mg/5



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SENATE/HOUSE FILE

BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY JOINT
APPROPRIATIONS SUBCOMMITTEE ON
TRANSPORTATION, INFRASTRUCTURE,
AND CAPITALS)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to and making transportation and other
2 infrastructure-related appropriations to the department of
3 transportation, including allocation and use of moneys from
4 the road use tax fund and the primary road fund, and including
5 an effective date.

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

7 TLSB 5011JB 82

8 dea/mg/8



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PAG LIN

1 1 Section 1. ROAD USE TAX FUND. There is appropriated from
 1 2 the road use tax fund to the department of transportation for
 1 3 the fiscal year beginning July 1, 2008, and ending June 30,
 1 4 2009, the following amounts, or so much thereof as is
 1 5 necessary, to be used for the purposes designated:
 1 6 1. For the payment of costs associated with the production
 1 7 of driver's licenses, as defined in section 321.1, subsection
 1 8 20A:
 1 9 \$ 3,047,000
 1 10 Notwithstanding section 8.33, unencumbered or unobligated
 1 11 funds remaining on June 30, 2009, from the appropriation made
 1 12 in this subsection shall not revert but shall remain available
 1 13 for subsequent fiscal years for the purposes specified in this
 1 14 subsection.
 1 15 2. For salaries, support, maintenance, and miscellaneous
 1 16 purposes:
 1 17 a. Operations:
 1 18 \$ 6,411,178
 1 19 b. Planning:
 1 20 \$ 490,945
 1 21 c. Motor vehicles:
 1 22 \$ 34,443,525
 1 23 3. For payments to the department of administrative
 1 24 services for utility services:
 1 25 \$ 183,000
 1 26 4. Unemployment compensation:
 1 27 \$ 17,000
 1 28 5. For payments to the department of administrative
 1 29 services for paying workers' compensation claims under chapter
 1 30 85 on behalf of employees of the department of transportation:
 1 31 \$ 117,000
 1 32 6. For payment to the general fund of the state for
 1 33 indirect cost recoveries:
 1 34 \$ 102,000
 1 35 7. For reimbursement to the auditor of state for audit



**Iowa General Assembly
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Senate Study Bill 3265 continued

2 1 expenses as provided in section 11.5B:
 2 2 \$ 64,082
 2 3 8. For automation, telecommunications, and related costs
 2 4 associated with the county issuance of driver's licenses and
 2 5 vehicle registrations and titles:
 2 6 \$ 1,442,000
 2 7 9. For transfer to the department of public safety for
 2 8 operating a system providing toll-free telephone road and
 2 9 weather conditions information:
 2 10 \$ 100,000
 2 11 10. For costs associated with the participation in the
 2 12 Mississippi river parkway commission:
 2 13 \$ 61,000
 2 14 11. For membership in North America's supercorridor
 2 15 coalition:
 2 16 \$ 50,000
 2 17 12. For development of an overdimension permitting system:
 2 18 \$ 1,000,000
 2 19 Notwithstanding section 8.33, moneys appropriated in this
 2 20 subsection that remain unencumbered or unobligated at the
 2 21 close of the fiscal year shall not revert but shall remain
 2 22 available for expenditure for the purposes designated until
 2 23 the close of the fiscal year that begins July 1, 2010.
 2 24 13. For motor vehicle division field facility maintenance
 2 25 projects at various locations:
 2 26 \$ 200,000
 2 27 Notwithstanding section 8.33, moneys appropriated in this
 2 28 subsection that remain unencumbered or unobligated at the
 2 29 close of the fiscal year shall not revert but shall remain
 2 30 available for expenditure for the purposes designated until
 2 31 the close of the fiscal year that begins July 1, 2011.
 2 32 Sec. 2. PRIMARY ROAD FUND. There is appropriated from the
 2 33 primary road fund to the department of transportation for the
 2 34 fiscal year beginning July 1, 2008, and ending June 30, 2009,
 2 35 the following amounts, or so much thereof as is necessary, to



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Senate Study Bill 3265 continued

3 1 be used for the purposes designated:
 3 2 1. For salaries, support, maintenance, miscellaneous
 3 3 purposes, and for not more than the following full-time
 3 4 equivalent positions:
 3 5 a. Operations:
 3 6 \$ 39,386,314
 3 7 FTEs 308.00
 3 8 b. Planning:
 3 9 \$ 9,320,862
 3 10 FTEs 131.00
 3 11 c. Highways:
 3 12 \$217,651,984
 3 13 FTEs 2,453.00
 3 14 d. Motor vehicles:
 3 15 \$ 1,435,497
 3 16 FTEs 481.00
 3 17 2. For payments to the department of administrative
 3 18 services for utility services:
 3 19 \$ 1,121,000
 3 20 3. Unemployment compensation:
 3 21 \$ 328,000
 3 22 4. For payments to the department of administrative
 3 23 services for paying workers' compensation claims under chapter
 3 24 85 on behalf of the employees of the department of
 3 25 transportation:
 3 26 \$ 2,814,000
 3 27 5. For disposal of hazardous wastes from field locations
 3 28 and the central complex:
 3 29 \$ 800,000
 3 30 6. For payment to the general fund of the state for
 3 31 indirect cost recoveries:
 3 32 \$ 748,000
 3 33 7. For reimbursement to the auditor of state for audit
 3 34 expenses as provided in section 11.5B:
 3 35 \$ 395,218



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Senate Study Bill 3265 continued

4 1	8. For costs associated with producing transportation	
4 2	maps:	
4 3	.....	\$ 242,000
4 4	9. For inventory and equipment replacement:	
4 5	.....	\$ 2,250,000
4 6	10. For utility improvements at various locations:	
4 7	.....	\$ 400,000
4 8	11. For roofing projects at various locations:	
4 9	.....	\$ 200,000
4 10	12. For heating, cooling, and exhaust system improvements	
4 11	at various locations:	
4 12	.....	\$ 100,000
4 13	13. For deferred maintenance projects at field facilities	
4 14	throughout the state:	
4 15	.....	\$ 500,000
4 16	14. For construction of a new Waukon garage:	
4 17	.....	\$ 2,500,000
4 18	15. For federal Americans With Disabilities Act	
4 19	improvements at various locations:	
4 20	.....	\$ 120,000
4 21	16. For elevator upgrades at the Ames complex:	
4 22	.....	\$ 100,000
4 23	Notwithstanding section 8.33, moneys appropriated in	
4 24	subsections 10 through 16 that remain unencumbered or	
4 25	unobligated at the close of the fiscal year shall not revert	
4 26	but shall remain available for expenditure for the purposes	
4 27	designated until the close of the fiscal year that begins July	
4 28	1, 2011.	
4 29	Sec. 3. 2007 Iowa Acts, chapter 216, section 2, subsection	
4 30	1, paragraph c, is amended to read as follows:	
4 31	c. Highways:	
4 32	.....	\$209,436,880
4 33		<u>219,166,306</u>
4 34 FTEs	2,454.00
4 35	<u>Notwithstanding section 8.33, moneys appropriated in this</u>	



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Senate Study Bill 3265 continued

5 1 lettered paragraph that remain unencumbered or unobligated at
5 2 the close of the fiscal year shall not revert but shall remain
5 3 available for expenditure for the purposes designated until
5 4 the close of the succeeding fiscal year.

5 5 Sec. 4. EFFECTIVE DATE. The section of this Act amending
5 6 2007 Iowa Acts, chapter 216, section 2, subsection 1,
5 7 paragraph "c", being deemed of immediate importance, takes
5 8 effect upon enactment.

5 9 EXPLANATION

5 10 This bill makes and limits appropriations for FY 2008=2009
5 11 from the road use tax fund and the primary road fund to the
5 12 department of transportation.

5 13 Appropriations from the road use tax fund include
5 14 appropriations for driver's license production costs,
5 15 salaries, operations, planning, motor vehicles, utility
5 16 services provided by the department of administrative
5 17 services, unemployment and workers' compensation, indirect
5 18 cost recoveries, audits, county issuance of driver's licenses
5 19 and vehicle registration and titling, a system providing
5 20 toll-free telephone road and weather reports, participation in
5 21 the Mississippi river parkway commission, membership in North
5 22 America's supercorridor coalition (NASCO), development of an
5 23 overdimension permitting system, and motor vehicle division
5 24 field facility maintenance projects.

5 25 Appropriations from the primary road fund include
5 26 appropriations for salaries, operations, planning, highways,
5 27 motor vehicles, utility services provided by the department of
5 28 administrative services, unemployment and workers'
5 29 compensation, hazardous waste disposal, indirect cost
5 30 recoveries, audits, production of transportation maps,
5 31 inventory and equipment replacement, utility projects, roofing
5 32 projects, heating and cooling improvements, deferred
5 33 maintenance at field facilities, replacement of the Waukon
5 34 garage, various federal Americans With Disabilities Act
5 35 improvements, and elevator upgrades at the Ames complex.



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6 1 The bill provides a supplemental appropriation for FY
6 2 2007=2008 from the primary road fund to the department to be
6 3 used for highways. The supplemental appropriation is
6 4 effective upon enactment of the bill.
6 5 LSB 5011JB 82
6 6 dea/mg/8



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Senate Study Bill 3266

SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S BUDGET
BILL)

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

A BILL FOR

1 An Act relating to and making appropriations to state departments
2 and agencies from the rebuild Iowa infrastructure fund, the
3 endowment for Iowa's health restricted capitals fund, the
4 tax=exempt bond proceeds restricted capital funds account, the
5 technology reinvestment fund, and the 2009 tax=exempt bond
6 proceeds restricted capital funds account and related matters,
7 and providing effective and retroactive applicability date
8 provisions.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
10 TLSB 5019XG 82
11 rh/mg/14



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Senate Study Bill 3266 continued

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1 1                               DIVISION I
1 2                               REBUILD IOWA INFRASTRUCTURE FUND
1 3      Section 1.  There is appropriated from the rebuild Iowa
1 4 infrastructure fund to the following departments and agencies
1 5 for the fiscal year beginning July 1, 2008, and ending June
1 6 30, 2009, the following amounts, or so much thereof as is
1 7 necessary, to be used for the purposes designated:
1 8      1.  DEPARTMENT OF ADMINISTRATIVE SERVICES
1 9      a.  For projects related to major repairs and major
1 10 maintenance for state buildings and facilities under the
1 11 purview of the department:
1 12 ..... $ 32,000,000
1 13      b.  For routine maintenance of state buildings and
1 14 facilities:
1 15 ..... $ 3,000,000
1 16      c.  For costs associated with capitol interior and exterior
1 17 restoration:
1 18 ..... $ 6,900,000
1 19      d.  For upgrades to the electrical distribution system
1 20 serving the capitol complex:
1 21 ..... $ 4,470,000
1 22      e.  For updating the capitol complex master plan,
1 23 notwithstanding section 8.57, subsection 6, paragraph "c":
1 24 ..... $ 250,000
1 25      f.  For costs associated with the preservation and
1 26 restoration at the governor's mansion at Terrace Hill:
1 27 ..... $ 287,000
1 28      g.  For costs associated with vertical infrastructure
1 29 projects related to major repairs and major maintenance at the
1 30 governor's mansion at Terrace Hill:
1 31 ..... $ 669,000
1 32      h.  To provide funding and related services for capitol
1 33 complex property acquisition, notwithstanding section 8.57,
1 34 subsection 6, paragraph "c":
1 35 ..... $ 1,000,000

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Senate Study Bill 3266 continued

2 1 i. For renovations to the capitol complex utility tunnel
 2 2 system:
 2 3 \$ 5,309,200
 2 4 j. For costs associated with the central energy plant
 2 5 addition and improvements:
 2 6 \$ 623,000
 2 7 k. For heating, ventilating, and air conditioning
 2 8 improvements in the Hoover state office building:
 2 9 \$ 1,500,000
 2 10 l. For building security and firewall protection in the
 2 11 Hoover state office building, notwithstanding section 8.57,
 2 12 subsection 6, paragraph "c":
 2 13 \$ 165,000
 2 14 2. DEPARTMENT FOR THE BLIND
 2 15 For costs associated with the renovation of dormitory
 2 16 buildings:
 2 17 \$ 869,748
 2 18 3. DEPARTMENT OF CORRECTIONS
 2 19 a. For architecture and engineering costs associated with
 2 20 the building projects at Fort Madison prison and Mitchellville
 2 21 prison:
 2 22 \$ 1,000,000
 2 23 b. For project management costs associated with
 2 24 construction projects at the department notwithstanding
 2 25 section 8.57, subsection 6, paragraph "c":
 2 26 \$ 500,000
 2 27 4. DEPARTMENT OF CULTURAL AFFAIRS
 2 28 For deposit into the Iowa great places program fund created
 2 29 in section 303.3D for great places program projects that meet
 2 30 the definition of "vertical infrastructure" in section 8.57,
 2 31 subsection 6, paragraph "c":
 2 32 \$ 2,000,000
 2 33 5. DEPARTMENT OF ECONOMIC DEVELOPMENT
 2 34 For accelerated career education program capital projects
 2 35 at community colleges that are authorized under chapter 260G



**Iowa General Assembly
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Senate Study Bill 3266 continued

3 1 and that meet the definition of "vertical infrastructure" in
 3 2 section 8.57, subsection 6, paragraph "c":
 3 3 \$ 5,500,000
 3 4 The moneys appropriated in this subsection shall be
 3 5 allocated equally among the community colleges in the state.
 3 6 If any portion of the equal allocation to a community college
 3 7 is not obligated or encumbered by April 1, 2009, the
 3 8 unobligated and unencumbered portions shall be made available
 3 9 by the department for use by other community colleges.
 3 10 6. IOWA STATE FAIR
 3 11 For infrastructure improvements to the Iowa state
 3 12 fairgrounds including but not limited to the construction of
 3 13 an agricultural exhibition center on the Iowa state
 3 14 fairgrounds:
 3 15 \$ 5,000,000
 3 16 7. DEPARTMENT OF NATURAL RESOURCES
 3 17 a. For the construction of the cabins, activity building,
 3 18 picnic shelters, and other costs associated with the opening
 3 19 of the Honey creek premier destination park:
 3 20 \$ 4,900,000
 3 21 The department shall not obligate any funding under this
 3 22 appropriation without approval from the department of
 3 23 management. The department shall give quarterly updates to
 3 24 the department of management and the legislative services
 3 25 agency on the obligation and spending of this appropriation.
 3 26 b. For infrastructure improvements for a state river
 3 27 recreation area located in a county with a population between
 3 28 21,900 and 22,100:
 3 29 \$ 750,000
 3 30 c. For the construction and installation of an angled
 3 31 well, pumps, and piping to connect the existing infrastructure
 3 32 from the new well to a lake located in a county with a
 3 33 population between 87,500 and 88,000:
 3 34 \$ 500,000
 3 35 Moneys appropriated in this lettered paragraph are



**Iowa General Assembly
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Senate Study Bill 3266 continued

4 1 contingent upon receipt of matching funds from a state taxing
 4 2 authority surrounding such lake.
 4 3 8. DEPARTMENT OF PUBLIC DEFENSE
 4 4 For upgrades to the Camp Dodge water distribution system:
 4 5 \$ 410,000
 4 6 9. STATE BOARD OF REGENTS
 4 7 For vertical infrastructure projects related to major
 4 8 repairs and major maintenance, including fire safety
 4 9 improvements at the state board of regents institutions and
 4 10 facilities:
 4 11 \$ 10,000,000
 4 12 10. DEPARTMENT OF TRANSPORTATION
 4 13 a. For acquiring, constructing, and improving recreational
 4 14 trails within the state:
 4 15 \$ 2,000,000
 4 16 b. For infrastructure improvements at the commercial air
 4 17 service airports within the state:
 4 18 \$ 1,500,000
 4 19 Fifty percent of the funds appropriated in this lettered
 4 20 paragraph shall be allocated equally between each commercial
 4 21 air service airport, 40 percent of the funds shall be
 4 22 allocated based on the percentage that the number of enplaned
 4 23 passengers at each commercial air service airport bears to the
 4 24 total number of enplaned passengers in the state during the
 4 25 previous fiscal year, and 10 percent of the funds shall be
 4 26 allocated based upon the percentage that the air cargo tonnage
 4 27 at each commercial air service airport bears to the total air
 4 28 cargo tonnage in the state during the previous fiscal year.
 4 29 In order for a commercial air service airport to receive
 4 30 funding under this lettered paragraph, the airport shall be
 4 31 required to submit applications for funding of specific
 4 32 projects to the department for approval by the state
 4 33 transportation commission.
 4 34 c. For infrastructure improvements at general aviation
 4 35 airports within the state:



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Senate Study Bill 3266 continued

5 1 \$ 750,000
5 2 d. For deposit into the public transit infrastructure
5 3 grant fund created in section 324A.6A:
5 4 \$ 2,200,000
5 5 11. TREASURER OF STATE
5 6 For county fair infrastructure improvements for
5 7 distribution in accordance with chapter 174 to qualified fairs
5 8 which belong to the association of Iowa fairs:
5 9 \$ 1,590,000
5 10 Sec. 2. REVERSION. Notwithstanding section 8.33, moneys
5 11 appropriated for the fiscal year beginning July 1, 2008, in
5 12 this division of this Act that remain unencumbered or
5 13 unobligated at the close of the fiscal year shall not revert
5 14 but shall remain available for the purposes designated until
5 15 the close of the fiscal year that begins July 1, 2011, or
5 16 until the project for which the appropriation was made is
5 17 completed, whichever is earlier.
5 18 Sec. 3. DEPARTMENT OF ADMINISTRATIVE SERVICES.
5 19 There is appropriated from the rebuild Iowa infrastructure
5 20 fund for the designated fiscal years, the following amounts,
5 21 or so much thereof as is necessary, to be used for the
5 22 purposes designated:
5 23 1. For vertical infrastructure projects related to major
5 24 repairs and major maintenance of state buildings and
5 25 facilities:
5 26 FY 2009=2010..... \$ 32,000,000
5 27 FY 2010=2011..... \$ 32,000,000
5 28 FY 2011=2012..... \$ 32,000,000
5 29 FY 2012=2013..... \$ 32,000,000
5 30 2. For costs associated with capitol interior and exterior
5 31 restoration:
5 32 FY 2009=2010..... \$ 5,200,000
5 33 3. For costs associated with the central energy plant
5 34 addition and improvement:
5 35 FY 2009=2010..... \$ 425,000



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Senate Study Bill 3266 continued

6	1	FY 2010=2011.....	\$	545,000
6	2	FY 2011=2012.....	\$	316,000
6	3	4. For routine maintenance of state buildings and		
6	4	facilities:		
6	5	FY 2009=2010.....	\$	3,000,000
6	6	FY 2010=2011.....	\$	3,000,000
6	7	FY 2011=2012.....	\$	3,000,000
6	8	FY 2012=2013.....	\$	3,000,000
6	9	5. For renovations to the capitol complex utility tunnel		
6	10	system:		
6	11	FY 2009=2010.....	\$	5,309,200
6	12	FY 2010=2011.....	\$	5,309,200
6	13	FY 2011=2012.....	\$	5,309,200
6	14	6. For costs associated with the capitol complex		
6	15	alternative energy system:		
6	16	FY 2009=2010.....	\$	80,000
6	17	FY 2010=2011.....	\$	3,000,000
6	18	Notwithstanding section 8.33, moneys appropriated in this		
6	19	section for the fiscal year beginning July 1, 2009, and ending		
6	20	June 30, 2010, shall not revert at the close of the fiscal		
6	21	year for which they are appropriated but shall remain		
6	22	available for the purposes designated until the close of the		
6	23	fiscal year that begins July 1, 2012, or until the project for		
6	24	which the appropriation was made is completed, whichever is		
6	25	earlier.		
6	26	Notwithstanding section 8.33, moneys appropriated in this		
6	27	section for the fiscal year beginning July 1, 2010, and ending		
6	28	June 30, 2011, shall not revert at the close of the fiscal		
6	29	year for which they are appropriated but shall remain		
6	30	available for the purposes designated until the close of the		
6	31	fiscal year that begins July 1, 2013, or until the project for		
6	32	which the appropriation was made is completed, whichever is		
6	33	earlier.		
6	34	Notwithstanding section 8.33, moneys appropriated in this		
6	35	section for the fiscal year beginning July 1, 2011, and ending		



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7 1 June 30, 2012, shall not revert at the close of the fiscal
7 2 year for which they are appropriated but shall remain
7 3 available for the purposes designated until the close of the
7 4 fiscal year that begins July 1, 2014, or until the project for
7 5 which the appropriation was made is completed, whichever is
7 6 earlier.

7 7 Notwithstanding section 8.33, moneys appropriated in this
7 8 section for the fiscal year beginning July 1, 2012, and ending
7 9 June 30, 2013, shall not revert at the close of the fiscal
7 10 year for which they are appropriated but shall remain
7 11 available for the purposes designated until the close of the
7 12 fiscal year that begins July 1, 2015, or until the project for
7 13 which the appropriation was made is completed, whichever is
7 14 earlier.

7 15 Sec. 4. DEPARTMENT OF CORRECTIONS. There is appropriated
7 16 from the rebuild Iowa infrastructure fund for the fiscal year
7 17 beginning July 1, 2010, and ending June 30, 2011, the
7 18 following amount, or so much thereof as is necessary, to be
7 19 used for the purpose designated:

7 20 For expansion of the Newton facility:
7 21 \$ 28,052,500

7 22 Notwithstanding section 8.33, moneys appropriated in this
7 23 section for the fiscal year beginning July 1, 2010, and ending
7 24 June 30, 2011, shall not revert at the close of the fiscal
7 25 year for which they are appropriated but shall remain
7 26 available for the purpose designated until the close of the
7 27 fiscal year that begins July 1, 2013, or until the project for
7 28 which the appropriation was made is completed, whichever is
7 29 earlier.

7 30 Sec. 5. IOWA STATE FAIR. There is appropriated from the
7 31 rebuild Iowa infrastructure fund for the fiscal year beginning
7 32 July 1, 2009, and ending June 30, 2010, the following amount,
7 33 or so much thereof as is necessary, to be used for the purpose
7 34 designated:

7 35 For infrastructure improvements to the Iowa state



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Senate Study Bill 3266 continued

8 1 fairgrounds including but not limited to the construction of
 8 2 an agricultural exhibition center on the Iowa state
 8 3 fairgrounds:
 8 4 \$ 3,000,000
 8 5 Notwithstanding section 8.33, moneys appropriated in this
 8 6 section for the fiscal year beginning July 1, 2009, and ending
 8 7 June 30, 2010, shall not revert at the close of the fiscal
 8 8 year for which they are appropriated but shall remain
 8 9 available for the purpose designated until the close of the
 8 10 fiscal year that begins July 1, 2012, or until the project for
 8 11 which the appropriation was made is completed, whichever is
 8 12 earlier.

8 13 DIVISION II

8 14 ENDOWMENT FOR IOWA'S HEALTH RESTRICTED CAPITALS FUND

8 15 Sec. 6. There is appropriated from the endowment for
 8 16 Iowa's health restricted capitals fund to the following
 8 17 departments and agencies for the fiscal year beginning July 1,
 8 18 2008, and ending June 30, 2009, the following amounts, or so
 8 19 much thereof as is necessary, to be used for the purposes
 8 20 designated:

8 21 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

8 22 a. For the purchase of Mercy capitol hospital:

8 23 \$ 3,400,000

8 24 It is the intent of the general assembly that the
 8 25 department will use other appropriations made or other funds
 8 26 available to the department for the acquisition of buildings
 8 27 to complete the purchase of this building.

8 28 b. For the installation of preheat piping in the Lucas
 8 29 state office building:

8 30 \$ 300,000

8 31 c. For costs associated with the capitol complex
 8 32 alternative energy system:

8 33 \$ 200,000

8 34 2. DEPARTMENT OF PUBLIC DEFENSE

8 35 a. For upgrades to the Camp Dodge electrical system:



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Senate Study Bill 3266 continued

9 1 \$ 526,000
 9 2 b. For renovation and modernization of the national guard
 9 3 armory in Ottumwa:
 9 4 \$ 500,000
 9 5 Sec. 7. TAX=EXEMPT STATUS == USE OF APPROPRIATIONS.
 9 6 Payment of moneys from the appropriations in this division of
 9 7 this Act shall be made in a manner that does not adversely
 9 8 affect the tax-exempt status of any outstanding bonds issued
 9 9 by the tobacco settlement authority.
 9 10 Sec. 8. REVERSION. Notwithstanding section 8.33, moneys
 9 11 appropriated for the fiscal year that begins July 1, 2008, in
 9 12 this division of this Act that remain unencumbered or
 9 13 unobligated at the close of the fiscal year shall not revert
 9 14 but shall remain available for the purposes designated until
 9 15 the close of the fiscal year that begins July 1, 2011, or
 9 16 until the project for which the appropriation was made is
 9 17 completed, whichever is earlier.
 9 18 DIVISION III
 9 19 TAX=EXEMPT BOND PROCEEDS RESTRICTED CAPITAL FUNDS ACCOUNT
 9 20 Sec. 9. There is appropriated from the tax-exempt bond
 9 21 proceeds restricted capital funds account of the tobacco
 9 22 settlement trust fund to the department of natural resources
 9 23 for the fiscal year beginning July 1, 2008, and ending June
 9 24 30, 2009, the following amount, or so much thereof as is
 9 25 necessary, to be used for the purposes designated:
 9 26 For the construction of the cabins at the Honey creek
 9 27 premier destination park:
 9 28 \$ 3,100,000
 9 29 The department shall not obligate any funding under this
 9 30 appropriation without approval from the department of
 9 31 management. The department shall give quarterly updates to
 9 32 the department of management and the legislative services
 9 33 agency on the obligation and spending of this appropriation.
 9 34 Sec. 10. TAX=EXEMPT STATUS == USE OF APPROPRIATIONS.
 9 35 Payment of moneys from the appropriations in this division of



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10 1 this Act shall be made in a manner that does not adversely
10 2 affect the tax-exempt status of any outstanding bonds issued
10 3 by the tobacco settlement authority.

10 4 Sec. 11. REVERSION. Notwithstanding section 8.33, moneys
10 5 appropriated in this section for the fiscal year beginning
10 6 July 1, 2008, and ending June 30, 2009, shall not revert at
10 7 the close of the fiscal year for which they are appropriated
10 8 but shall remain available for the purposes designated until
10 9 the close of the fiscal year that begins July 1, 2011, or
10 10 until the project for which the appropriation was made is
10 11 completed, whichever is earlier.

DIVISION IV

TECHNOLOGY REINVESTMENT FUND

10 13 Sec. 12. There is appropriated from the technology
10 14 reinvestment fund created in section 8.57C to the following
10 15 departments and agencies for the fiscal year beginning July 1,
10 16 2008, and ending June 30, 2009, the following amounts, or so
10 17 much thereof as is necessary, to be used for the purposes
10 18 designated:
10 19 designated:

10 20 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

10 21 a. For technology improvement projects:
10 22 \$ 4,059,088

10 23 b. For I3 operations:
10 24 \$ 1,000,000

10 25 2. DEPARTMENT OF CORRECTIONS

10 26 For costs associated with the Iowa corrections offender
10 27 network data system:
10 28 \$ 500,000

10 29 3. DEPARTMENT OF EDUCATION

10 30 a. For maintenance and lease costs associated with
10 31 connections for Part III of the Iowa communications network:
10 32 \$ 2,727,000

10 33 b. To the public broadcasting division for the purchase
10 34 and installation of generators at transmitter sites:
10 35 \$ 1,602,437



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11 1 c. To the public broadcasting division for the replacement
 11 2 and digital conversion of the Keosauqua translator:
 11 3 \$ 701,500
 11 4 4. DEPARTMENT OF HUMAN RIGHTS
 11 5 For the cost of equipment and computer software for the
 11 6 implementation of Iowa's criminal justice information system:
 11 7 \$ 1,839,852
 11 8 5. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION
 11 9 a. For replacement of equipment for the Iowa
 11 10 communications network:
 11 11 \$ 2,190,123
 11 12 The commission may continue to enter into contracts
 11 13 pursuant to section 8D.13 for the replacement of equipment and
 11 14 for operations and maintenance costs of the network.
 11 15 b. For addition of network redundancy for continuity of
 11 16 operations for the capitol complex:
 11 17 \$ 2,320,000
 11 18 6. DEPARTMENT OF PUBLIC SAFETY
 11 19 For continuation of payments on the lease of the automated
 11 20 fingerprint identification system:
 11 21 \$ 560,000
 11 22 Sec. 13. REVERSION. Notwithstanding section 8.33, moneys
 11 23 appropriated for the fiscal year beginning July 1, 2008, in
 11 24 this division of this Act that remain unencumbered or
 11 25 unobligated at the close of the fiscal year shall not revert
 11 26 but shall remain available for the purposes designated until
 11 27 the close of the fiscal year beginning July 1, 2011, or until
 11 28 the project for which the appropriation was made is completed,
 11 29 whichever is earlier.
 11 30 DIVISION V
 11 31 2009 TAX=EXEMPT BOND PROCEEDS RESTRICTED CAPITAL FUNDS ACCOUNT
 11 32 Sec. 14. There is appropriated from the 2009 tax=exempt
 11 33 bond proceeds restricted capital funds account of the tobacco
 11 34 settlement trust fund pursuant to section 12E.12, subsection
 11 35 1, paragraph "b", subparagraph (1A), enacted in this Act, to



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12 1 the following departments and agencies for the fiscal year
 12 2 beginning July 1, 2008, and ending June 30, 2009, the
 12 3 following amounts, or so much thereof as is necessary, to be
 12 4 used for the purposes designated:

12 5 1. DEPARTMENT OF ADMINISTRATIVE SERVICES.
 12 6 For planning, design, and construction of a new state
 12 7 office building, including costs associated with the
 12 8 furnishing of the building:
 12 9 \$ 20,000,000

12 10 2. DEPARTMENT OF CORRECTIONS.
 12 11 a. For expansion of the community-based corrections
 12 12 facility at Sioux City:
 12 13 \$ 5,833,333

12 14 b. For expansion of the community-based corrections
 12 15 facility at Ottumwa:
 12 16 \$ 5,833,333

12 17 c. For expansion of the community-based corrections
 12 18 facility at Waterloo:
 12 19 \$ 5,833,333

12 20 d. For expansion of the community-based corrections
 12 21 facility at Des Moines:
 12 22 \$ 16,000,000

12 23 It is the intent of the general assembly that the funds
 12 24 appropriated in this lettered paragraph be used for the
 12 25 expansion of this facility and not for the replacement or
 12 26 relocation of existing facilities.

12 27 e. For construction of a community treatment resource
 12 28 center:
 12 29 \$ 10,000,000

12 30 f. For expansion of the Iowa correctional facility for
 12 31 women at Mitchellville:
 12 32 \$ 67,979,000

12 33 g. For the remodeling of kitchens at the correctional
 12 34 facilities at Mount Pleasant and Rockwell City:
 12 35 \$ 12,500,000



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14 1 3, and notwithstanding section 8.33, moneys appropriated from
14 2 the rebuild Iowa infrastructure fund in this division of this
14 3 Act shall not revert at the close of the fiscal year for which
14 4 they were appropriated but shall remain available for the
14 5 purposes designated until the close of the fiscal year that
14 6 begins July 1, 2007, or until the project for which the
14 7 appropriation was made is completed, whichever is earlier.
14 8 This ~~section~~ subsection does not apply to the sections in this
14 9 division of this Act that were previously enacted and are
14 10 amended in this division of this Act.

14 11 2. Notwithstanding section 8.33, moneys appropriated from
14 12 the rebuild Iowa infrastructure fund in this division of this
14 13 Act in section 288, subsection 4, paragraph "b", and section
14 14 288, subsection 7, paragraph "d", shall not revert at the
14 15 close of the fiscal year for which they were appropriated but
14 16 shall remain available for the purposes designated until the
14 17 close of the fiscal year that begins July 1, 2010, or until
14 18 the project for which the appropriation was made is completed,
14 19 whichever is earlier.

14 20 3. Notwithstanding section 8.33, moneys appropriated from
14 21 the rebuild Iowa infrastructure fund in this division of this
14 22 Act in section 288, subsection 12, paragraph "a", shall not
14 23 revert at the close of the fiscal year for which they were
14 24 appropriated but shall remain available for the purposes
14 25 designated until the close of the fiscal year that begins July
14 26 1, 2008, or until the project for which the appropriation was
14 27 made is completed, whichever is earlier.

14 28 Sec. 19. 2005 Iowa Acts, chapter 178, section 19,
14 29 subsection 3, as amended by 2007 Iowa Acts, chapter 219,
14 30 section 20, is amended to read as follows:

14 31 3. REVERSION.

14 32 1. Except as provided in ~~subsection~~ subsections 2 and 3
14 33 and notwithstanding section 8.33, moneys appropriated in this
14 34 section shall not revert at the close of the fiscal year for
14 35 which they were appropriated but shall remain available for



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15 1 the purposes designated until the close of the fiscal year
15 2 that begins July 1, 2006, or until the project for which the
15 3 appropriation was made is completed, whichever is earlier.

15 4 2. Notwithstanding section 8.33, moneys appropriated in
15 5 ~~subsection 1, paragraph "a", subparagraph (1), and subsection~~
15 6 ~~1, paragraph "g", shall not revert at the close of the fiscal~~
15 7 ~~year for which they were appropriated but shall remain~~
15 8 ~~available for the purpose designated until the close of the~~
15 9 ~~fiscal year that begins July 1, 2007, or until the project for~~
15 10 ~~which the appropriation was made is completed, whichever is~~
15 11 ~~earlier.~~

15 12 3. Notwithstanding section 8.33, moneys appropriated in
15 13 subsection 1, paragraph "a", subparagraph (1), shall not
15 14 revert at the close of the fiscal year for which they were
15 15 appropriated but shall remain available for the purpose
15 16 designated until the close of the fiscal year that begins July
15 17 1, 2008, or until the project for which the appropriation was
15 18 made is completed, whichever is earlier.

15 19 Sec. 20. 2006 Iowa Acts, chapter 1179, section 5, as
15 20 amended by 2007 Iowa Acts, chapter 219, section 22, is amended
15 21 to read as follows:

15 22 SEC. 5. DEPARTMENT OF ADMINISTRATIVE SERVICES. There is
15 23 appropriated from the rebuild Iowa infrastructure fund to the
15 24 department of administrative services for the designated
15 25 fiscal years, the following amounts, or so much thereof as is
15 26 necessary, to be used for the purposes designated:

15 27 For planning, design, and construction costs associated
15 28 with the construction of a new approximately
15 29 350,000-gross-square-foot state office building, including
15 30 costs associated with furnishings, employee relocation, and
15 31 the demolition of the Wallace Building:

15 32	FY 2007=2008.....	\$ 3,600,000
15 33	FY 2008=2009.....	\$ 23,300,000
15 34		<u>0</u>
15 35	FY 2009=2010.....	\$ 12,657,100



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16 1 15,957,100
16 2 Notwithstanding section 8.33, moneys appropriated in this
16 3 section shall not revert at the close of the fiscal year for
16 4 which they were appropriated but shall remain available for
16 5 the purposes designated until the close of the fiscal year
16 6 that begins July 1, 2011, or until the project for which the
16 7 appropriation was made is completed, whichever is earlier.
16 8 The design specifications of the new state office building
16 9 shall include, at a minimum, energy efficiency specifications
16 10 that exceed state building code requirements and have the
16 11 potential for leadership in energy and environmental design
16 12 silver certification from the United States green building
16 13 council.
16 14 Sec. 21. 2006 Iowa Acts, chapter 1179, section 18, is
16 15 amended to read as follows:
16 16 SEC. 18. REVERSION.
16 17 1. Except as provided in subsections 2, ~~and 3,~~ and 4,
16 18 notwithstanding section 8.33, moneys appropriated from the
16 19 endowment for Iowa's health restricted capitals fund for the
16 20 fiscal years that begin July 1, 2005, and July 1, 2006, in
16 21 this division of this Act that remain unencumbered or
16 22 unobligated at the close of the fiscal year shall not revert
16 23 but shall remain available for the purposes designated until
16 24 the close of the fiscal year that begins July 1, 2009, or
16 25 until the project for which the appropriation was made is
16 26 completed, whichever is earlier.
16 27 2. Notwithstanding section 8.33, moneys appropriated from
16 28 the endowment for Iowa's health restricted capitals fund for
16 29 the fiscal year that begins July 1, 2006, and ends June 30,
16 30 2007, in this division of this Act to the department of
16 31 veterans affairs for capital improvement projects at the Iowa
16 32 veterans home that remain unencumbered or unobligated at the
16 33 close of the fiscal year shall not revert but shall remain
16 34 available for expenditure for the purposes designated until
16 35 the close of the fiscal year that begins July 1, 2010.



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17 1 3. Notwithstanding section 8.33, moneys appropriated from
17 2 the endowment for Iowa's health restricted capitals fund for
17 3 the fiscal year beginning July 1, 2006, and ending June 30,
17 4 2007, in this division of this Act to the department of
17 5 education for major renovation and major repair needs at the
17 6 community colleges that remain unencumbered or unobligated at
17 7 the close of the fiscal year shall not revert but shall remain
17 8 available for expenditure for the purposes designated until
17 9 the close of the fiscal year beginning July 1, 2010, or until
17 10 the project for which appropriated is completed, whichever is
17 11 earlier.

17 12 4. Notwithstanding section 8.33, moneys appropriated in
17 13 section 16, subsection 3, paragraph "a", that remain
17 14 unencumbered or unobligated at the close of the fiscal year
17 15 shall not revert at the close of the fiscal year for which
17 16 they were appropriated but shall remain available for the
17 17 purposes designated until the close of the fiscal year that
17 18 begins July 1, 2010, or until the project for which the
17 19 appropriation was made is completed, whichever is earlier.

17 20 Sec. 22. 2006 Iowa Acts, chapter 1179, section 22, is
17 21 amended to read as follows:

17 22 SEC. 22. REVERSION.

17 23 1. ~~Notwithstanding~~ Except as provided in subsections 2 and
17 24 3, and notwithstanding section 8.33, moneys appropriated in
17 25 this division of this Act that remain unencumbered or
17 26 unobligated at the close of the fiscal year shall not revert
17 27 but shall remain available for the purposes designated until
17 28 the close of the fiscal year beginning July 1, 2007, or until
17 29 the project for which the appropriation was made is completed,
17 30 whichever is earlier.

17 31 2. Notwithstanding section 8.33, moneys appropriated from
17 32 the technology reinvestment fund in this division of this Act
17 33 in section 21, subsection 1, shall not revert at the close of
17 34 the fiscal year for which they were appropriated but shall
17 35 remain available until the close of the fiscal year that



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18 1 begins July 1, 2008, or until the project for which the
18 2 appropriation was made is completed, whichever is earlier.
18 3 3. Notwithstanding section 8.33, moneys appropriated from
18 4 the technology reinvestment fund in this division of this Act
18 5 in section 21, subsection 3, paragraph "e", shall not revert
18 6 at the close of the fiscal year for which they were
18 7 appropriated but shall remain available until the close of the
18 8 fiscal year that begins July 1, 2010, or until the project for
18 9 which the appropriation was made is completed, whichever is
18 10 earlier.

18 11 Sec. 23. EFFECTIVE DATE. The sections of this division of
18 12 this Act amending 2004 Iowa Acts, chapter 1175, 2005 Iowa
18 13 Acts, chapter 178, and 2006 Iowa Acts, chapter 1179, section
18 14 22, being deemed of immediate importance, take effect upon
18 15 enactment.

18 16 DIVISION VIII

18 17 MISCELLANEOUS CODE CHANGES

18 18 Sec. 24. Section 8.57, subsection 6, paragraph c, Code
18 19 Supplement 2007, is amended to read as follows:

18 20 c. Moneys in the fund in a fiscal year shall be used as
18 21 directed by the general assembly for public vertical
18 22 infrastructure projects. For the purposes of this subsection,
18 23 "vertical infrastructure" includes only land acquisition and
18 24 construction, major renovation and major repair of buildings,
18 25 routine maintenance, all appurtenant structures, utilities,
18 26 site development, and recreational trails. "Vertical
18 27 infrastructure" does not include ~~routine, recurring~~
~~18 28 maintenance or~~ operational expenses or leasing of a building,
18 29 appurtenant structure, or utility without a lease-purchase
18 30 agreement. ~~However, appropriations may be made for the fiscal~~
~~18 31 years beginning July 1, 1997, and July 1, 1998, for the~~
~~18 32 purpose of funding the completion of Part III of the Iowa~~
~~18 33 communications network.~~

18 34 Sec. 25. Section 8.57, subsection 6, paragraph e, Code
18 35 Supplement 2007, is amended to read as follows:



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19 1 e. Notwithstanding provisions to the contrary in sections
19 2 99D.17 and 99F.11, for the fiscal year beginning July 1, 2000,
19 3 and for each fiscal year thereafter, not more than a total of
19 4 sixty million dollars shall be deposited in the general fund
19 5 of the state in any fiscal year pursuant to sections 99D.17
19 6 and 99F.11. The next fifteen million dollars of the moneys
19 7 directed to be deposited in the general fund of the state in a
19 8 fiscal year pursuant to sections 99D.17 and 99F.11 shall be
19 9 deposited in the vision Iowa fund created in section 12.72 for
19 10 the fiscal year beginning July 1, 2000, and for each fiscal
19 11 year through the fiscal year beginning July 1, 2019. The next
19 12 five million dollars of the moneys directed to be deposited in
19 13 the general fund of the state in a fiscal year pursuant to
19 14 sections 99D.17 and 99F.11 shall be deposited in the school
19 15 infrastructure fund created in section 12.82 for the fiscal
19 16 year beginning July 1, 2000, and for each fiscal year
19 17 thereafter until the principal and interest on all bonds
19 18 issued by the treasurer of state pursuant to section 12.81 are
19 19 paid, as determined by the treasurer of state. The total
19 20 moneys in excess of the moneys deposited in the general fund
19 21 of the state, the vision Iowa fund, and the school
19 22 infrastructure fund in a fiscal year shall be deposited in the
19 23 rebuild Iowa infrastructure fund and shall be used as provided
19 24 in this section, notwithstanding section 8.60.

19 25 If the total amount of moneys directed to be deposited in
19 26 the general fund of the state under sections 99D.17 and 99F.11
19 27 in a fiscal year is less than the total amount of moneys
19 28 directed to be deposited in the vision Iowa fund and the
19 29 school infrastructure fund in the fiscal year pursuant to this
19 30 paragraph "e", the difference shall be paid from lottery
19 31 revenues in the manner provided in section 99G.39, subsection
19 32 3.

19 33 For the fiscal year beginning July 1, 2008, and each fiscal
19 34 year thereafter, there is transferred from the rebuild Iowa
19 35 infrastructure fund to the general fund of the state the



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20 1 amount of ninety million dollars. The transfer may occur at
20 2 any time during the fiscal year and may be done in fractional
20 3 amounts as long as a total of ninety million dollars is
20 4 transferred in a fiscal year.

20 5 Sec. 26. Section 8.57A, subsection 4, Code Supplement
20 6 2007, is amended to read as follows:

20 7 4. There is appropriated from the rebuild Iowa
20 8 infrastructure fund for the fiscal year beginning July 1,
20 9 2007, and for each fiscal year thereafter, the sum of ~~forty~~
20 10 twenty-five million dollars to the environment first fund,
20 11 notwithstanding section 8.57, subsection 6, paragraph "c".

20 12 Sec. 27. Section 8.57B, Code Supplement 2007, is amended
20 13 to read as follows:

20 14 8.57B VERTICAL INFRASTRUCTURE FUND.

20 15 1. A vertical infrastructure fund is created under the
20 16 authority of the department of management. The fund shall
20 17 consist of appropriations made to the fund and transfers of
20 18 interest, earnings, and moneys from other funds as provided by
20 19 law. The fund shall be separate from the general fund of the
20 20 state and the balance in the fund shall not be considered part
20 21 of the balance of the general fund of the state. However, the
20 22 fund shall be considered a special account for the purposes of
20 23 section 8.53, relating to generally accepted accounting
20 24 principles.

20 25 2. Notwithstanding section 12C.7, subsection 2, interest
20 26 or earnings on moneys in the vertical infrastructure fund
20 27 shall be credited to the rebuild Iowa infrastructure fund.

20 28 3. Moneys in the fund in a fiscal year shall be used as
20 29 appropriated by the general assembly for public vertical
20 30 infrastructure projects. For the purposes of this section,
20 31 "vertical infrastructure" includes only land acquisition and
20 32 construction, major renovation, and major repair of buildings,
20 33 all appurtenant structures, utilities, and site development.
20 34 "Vertical infrastructure" does not include routine, recurring
20 35 maintenance, debt service, or operational expenses or leasing



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21 1 of a building, appurtenant structure, or utility without a
21 2 lease-purchase agreement.

21 3 ~~4. There is appropriated from the rebuild Iowa~~

~~21 4 infrastructure fund to the vertical infrastructure fund, the
21 5 following:~~

~~21 6 a. For the fiscal year beginning July 1, 2005, and ending
21 7 June 30, 2006, the sum of fifteen million dollars.~~

~~21 8 b. For the fiscal year beginning July 1, 2006, and ending
21 9 June 30, 2007, the sum of fifteen million dollars.~~

~~21 10 c. For the fiscal year beginning July 1, 2007, and ending
21 11 June 30, 2008, the sum of fifty million dollars.~~

~~21 12 d. For the fiscal year beginning July 1, 2008, and ending
21 13 June 30, 2009, the sum of fifty million dollars.~~

21 14 ~~5.~~ 4. Annually, on or before January 15 of each year, a
21 15 state agency that received an appropriation from the vertical
21 16 infrastructure fund shall report to the legislative services
21 17 agency and the department of management the status of all
21 18 projects completed or in progress. The report shall include a
21 19 description of the project, the progress of work completed,
21 20 the total estimated cost of the project, a list of all revenue
21 21 sources being used to fund the project, the amount of funds
21 22 expended, the amount of funds obligated, and the date the
21 23 project was completed or an estimated completion date of the
21 24 project, where applicable.

21 25 5. On July 1, 2008, any unobligated and unencumbered

21 26 balance in the vertical infrastructure fund shall be
21 27 transferred to the rebuild Iowa infrastructure fund. This
21 28 subsection is repealed July 1, 2010.

21 29 Sec. 28. NEW SECTION. 12.80 GENERAL AND SPECIFIC BONDING
21 30 POWERS == PRISON INFRASTRUCTURE.

21 31 1. The treasurer of state is authorized to issue bonds to
21 32 provide prison infrastructure financing as provided in this
21 33 section. The bonds may only be issued to finance projects
21 34 which have been approved for financing by the general
21 35 assembly. Bonds may be issued in order to fund the



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22 1 construction and equipping of a project or projects, the
22 2 payment of interest on the bonds, the establishment of
22 3 reserves to secure the bonds, the costs of issuance of the
22 4 bonds and other expenditures incident to or necessary or
22 5 convenient to carry out the bond issue. The bonds are
22 6 investment securities and negotiable instruments within the
22 7 meaning of and for the purposes of the uniform commercial
22 8 code, chapter 554.

22 9 2. Bonds issued under this section are payable solely and
22 10 only out of the moneys, assets, or revenues of the prison
22 11 infrastructure fund established in section 602.8108A, and
22 12 other moneys available as provided in this section, all of
22 13 which may be deposited with trustees or depositories in
22 14 accordance with bond or security documents, and are not an
22 15 indebtedness of this state, or a charge against the general
22 16 credit or general fund of the state, and the state shall not
22 17 be liable for the bonds except from amounts on deposit in the
22 18 prison infrastructure fund and other moneys available as
22 19 provided in this section. Bonds issued under this section
22 20 shall contain a statement that the bonds do not constitute an
22 21 indebtedness of the state.

22 22 3. The proceeds of bonds issued by the treasurer of state
22 23 and not required for immediate disbursement may be deposited
22 24 with a trustee or depository as provided in the bond documents
22 25 and invested in any investment approved by the treasurer of
22 26 state and specified in the trust indenture, resolution, or
22 27 other instrument pursuant to which the bonds are issued
22 28 without regard to any limitation otherwise provided by law.

22 29 4. The bonds shall be:

22 30 a. In a form, issued in denominations, executed in a
22 31 manner, and payable over terms and with rights of redemption,
22 32 and be subject to such other terms and conditions as
22 33 prescribed in the trust indenture, resolution, or other
22 34 instrument authorizing their issuance.

22 35 b. Negotiable instruments under the laws of the state and



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23 1 may be sold at prices, at public or private sale, and in a
23 2 manner, as prescribed by the authority. Chapters 73A, 74,
23 3 74A, and 75 do not apply to the sale or issuance of the bonds.

23 4 c. Subject to the terms, conditions, and covenants
23 5 providing for the payment of the principal, redemption
23 6 premiums, if any, interest, and other terms, conditions,
23 7 covenants, and protective provisions safeguarding payment, not
23 8 inconsistent with this section and as determined by the trust
23 9 indenture, resolution, or other instrument authorizing their
23 10 issuance.

23 11 5. The bonds are securities in which public officers and
23 12 bodies of this state, political subdivisions of this state,
23 13 insurance companies and associations and other persons
23 14 carrying on an insurance business, banks, trust companies,
23 15 savings associations, savings and loan associations, and
23 16 investment companies, administrators, guardians, executors,
23 17 trustees, and other fiduciaries, and other persons authorized
23 18 to invest in bonds or other obligations of the state, may
23 19 properly and legally invest funds, including capital, in their
23 20 control or belonging to them.

23 21 6. Bonds must be authorized by a trust indenture,
23 22 resolution, or other instrument of the treasurer of state.
23 23 However, a trust indenture, resolution, or other instrument
23 24 authorizing the issuance of bonds may delegate to the
23 25 department of corrections the power to negotiate and fix the
23 26 details of an issue of bonds.

23 27 7. The resolution or trust agreement, or any other
23 28 instrument by which a pledge is created, is not required to be
23 29 recorded or filed under the uniform commercial code, chapter
23 30 554, to be valid, binding, or effective.

23 31 8. Bonds issued under this section are declared to be
23 32 issued for an essential public and governmental purpose and
23 33 all bonds issued under this section shall be exempt from
23 34 taxation by the state of Iowa and the interest on the bonds
23 35 shall be exempt from the state income tax and the state



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24 1 inheritance and estate taxes.

24 2 9. The net proceeds from the bonds issued under this
24 3 section shall be deposited into the FY 2009 prison bonding
24 4 fund.

24 5 10. The treasurer of state shall cooperate with the
24 6 department of corrections and the department of management in
24 7 the implementation of this section.

24 8 Sec. 29. Section 12E.12, subsection 1, paragraph b, Code
24 9 2007, is amended by adding the following new subparagraphs:

24 10 NEW SUBPARAGRAPH. (1A) The 2009 tax=exempt bond proceeds
24 11 restricted capital funds account. The net proceeds of
24 12 tax=exempt bonds issued as a result of the securitization of
24 13 any remaining tobacco settlement payments to provide funds for
24 14 capital projects and certain debt service related to the
24 15 master settlement agreement which the treasurer of state is
24 16 authorized and directed to deposit on behalf of the state
24 17 shall be deposited in the account and shall be used to fund
24 18 capital projects, certain debt service, and the payment of
24 19 attorney fees related to the master settlement agreement. The
24 20 amount of the net proceeds of the tax=exempt bonds issued
24 21 shall be at least one hundred sixty=five million dollars.
24 22 With respect to capital projects, it is the intent of the
24 23 general assembly to fund capital projects that qualify as
24 24 vertical infrastructure projects as defined in section 8.57,
24 25 subsection 6, paragraph "c", to the extent practicable in any
24 26 fiscal year and without limiting other qualifying capital
24 27 expenditures considered and approved by a constitutional
24 28 majority of each house of the general assembly and the
24 29 governor.

24 30 (1B) The 2009 taxable bond proceeds fund account. The
24 31 proceeds of taxable bonds issued as a result of the
24 32 securitization of any remaining tobacco settlement payments to
24 33 provide funds which the treasurer of state is authorized and
24 34 directed to deposit on behalf of the state shall be deposited
24 35 in the account and shall be used to pay the costs of the



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25 1 issuance of the bonds. The amount of the net proceeds of the
25 2 taxable bonds issued shall be transferred to the general fund
25 3 and shall be at least sixty-five million dollars.
25 4 Sec. 30. Section 602.8108A, Code Supplement 2007, is
25 5 amended to read as follows:
25 6 602.8108A PRISON INFRASTRUCTURE FUND.
25 7 1. The Iowa prison infrastructure fund is created and
25 8 established as a separate and distinct fund in the state
25 9 treasury. Notwithstanding any other provision of this chapter
25 10 to the contrary, the first eight million dollars and,
25 11 beginning July 1, 1997, the first nine million five hundred
25 12 thousand dollars, of moneys remitted to the treasurer of state
25 13 from fines, fees, costs, and forfeited bail collected by the
25 14 clerks of the district court in criminal cases, including
25 15 those collected for both scheduled and nonscheduled
25 16 violations, collected in each fiscal year commencing with the
25 17 fiscal year beginning July 1, 1995, shall be deposited in the
25 18 fund. Beginning July 1, 2009, the treasurer of state shall
25 19 certify to the judicial branch the annual amount of funds
25 20 necessary to be remitted for deposit into the fund for that
25 21 fiscal year and such moneys shall be remitted to the treasurer
25 22 of state from fines, fees, costs, and forfeited bail collected
25 23 by the clerks of the district court in criminal cases,
25 24 including those collected for both scheduled and nonscheduled
25 25 violations, for debt payments expected to be paid from the
25 26 fund. Interest and other income earned by the fund shall be
25 27 deposited in the fund. However, beginning with the fiscal
25 28 year beginning July 1, 1998, all fines and fees attributable
25 29 to commercial vehicle violation citations issued after July 1,
25 30 1998, shall be deposited as provided in section 602.8108,
25 31 subsection 8. If the treasurer of state determines pursuant
25 32 to 1994 Iowa Acts, ch. 1196, that bonds can be issued pursuant
25 33 to this section and section 16.177, then the The moneys in the
25 34 fund are appropriated to and shall have priority and
25 35 precedence for the purpose of paying the principal of,



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26 1 premium, if any, and interest on bonds issued by the Iowa
26 2 finance authority under section 16.177. Any remaining moneys
26 3 not otherwise appropriated for purposes of paying the
26 4 principal, premium, and interest on the bonds issued by the
26 5 Iowa finance authority pursuant to section 16.177 shall be
26 6 available and appropriated to the treasurer of state pursuant
26 7 to section 12.80. Except as otherwise provided in subsection
26 8 2, amounts in the funds shall not be subject to appropriation
26 9 for any purpose by the general assembly, but shall be used
26 10 only for the purposes set forth in this section. The
26 11 treasurer of state shall act as custodian of the fund and
26 12 disburse amounts contained in it as directed by the department
26 13 of corrections including the automatic disbursement of funds
26 14 pursuant to the terms of bond indentures and documents and
26 15 security provisions to trustees and custodians. The treasurer
26 16 of state is authorized to invest the funds deposited in the
26 17 fund subject to any limitations contained in any applicable
26 18 bond proceedings. Any amounts remaining in the fund at the
26 19 end of each fiscal year shall be transferred to the general
26 20 fund of the state.

26 21 2. If the treasurer of state determines that bonds cannot
26 22 be issued pursuant to this section and ~~section~~ sections 12.80
26 23 and 16.177, or if there are any remaining moneys at the end of
26 24 a fiscal year after the appropriations are paid pursuant to
26 25 sections 12.80 and 16.177 the treasurer of state shall deposit
26 26 the moneys in the prison infrastructure fund into the general
26 27 fund of the state.

26 28 Sec. 31. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
26 29 The section of this division of this Act amending section
26 30 8.57A, subsection 4, being deemed of immediate importance,
26 31 takes effect upon enactment and applies retroactively to July
26 32 1, 2007.

26 33 EXPLANATION

26 34 This bill makes appropriations from the rebuild Iowa
26 35 infrastructure fund, the endowment for Iowa's health



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27 1 restricted capitals fund, the tax-exempt bond proceeds
27 2 restricted capitals funds account of the tobacco settlement
27 3 trust fund, the technology reinvestment fund, and the 2009
27 4 tax-exempt bond proceeds restricted capitals funds account of
27 5 the tobacco settlement trust fund for various capital and
27 6 other projects. The bill makes changes to related matters.
27 7 REBUILD IOWA INFRASTRUCTURE FUND. This division
27 8 appropriates project funding for FY 2008=2009 from the rebuild
27 9 Iowa infrastructure fund, including projects for the
27 10 departments of administrative services, corrections, cultural
27 11 affairs, economic development, natural resources, public
27 12 defense, and transportation, the department of the blind, and
27 13 the Iowa state fair, the state board of regents, and the
27 14 treasurer of state. The division also appropriates project
27 15 funding from the rebuild Iowa infrastructure fund for FY
27 16 2009=2010 to the department of administration and the Iowa
27 17 state fair, for FY 2010=2011 to the departments of
27 18 administrative services and corrections, for FY 2011=2012 to
27 19 the department of administrative services and for FY 2012=2013
27 20 to the department of administrative services.
27 21 ENDOWMENT FOR IOWA'S HEALTH RESTRICTED CAPITALS FUND
27 22 ACCOUNT. This division appropriates project funding for FY
27 23 2008=2009 from the endowment for Iowa's health restricted
27 24 capitals fund for the departments of administrative services
27 25 and public defense.
27 26 TAX-EXEMPT BOND PROCEEDS RESTRICTED CAPITAL FUNDS ACCOUNT.
27 27 This division appropriates project funding for FY 2008=2009
27 28 from the tax-exempt bond proceeds restricted capital funds
27 29 account of the tobacco settlement trust fund to the department
27 30 of natural resources.
27 31 TECHNOLOGY REINVESTMENT FUND. This division appropriates
27 32 project funding for FY 2008=2009 from the technology
27 33 reinvestment fund for the departments of administrative
27 34 services, corrections, education, human rights, and public
27 35 safety and to the Iowa telecommunications and technology



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28 1 commission.
28 2 2009 TAX=EXEMPT BOND PROCEEDS RESTRICTED CAPITAL FUNDS
28 3 ACCOUNT. This division appropriates project funding for FY
28 4 2008=2009 from the 2009 tax=exempt restricted capital funds
28 5 account established in the bill in Code section 12E.12 for the
28 6 departments of administrative services, corrections, and
28 7 veterans affairs.
28 8 PRISON BONDING. This division appropriates project funding
28 9 for FY 2008=2009 from the FY 2009 prison bonding fund to the
28 10 department of corrections for costs associated with the
28 11 construction of a new state prison at Fort Madison.
28 12 CHANGES TO PRIOR APPROPRIATIONS. This division makes
28 13 changes to prior appropriations from the rebuild Iowa
28 14 infrastructure fund to the department of corrections for FY
28 15 2004=2005 and FY 2005=2006, to the department of education for
28 16 FY 2004=2005, FY 2005=2006, and FY 2006=2007, to the
28 17 department of administrative services for FY 2007=2008, FY
28 18 2008=2009, and FY 2009=2010, and to the department of public
28 19 defense for FY 2004=2005.
28 20 This division makes changes to prior appropriations from
28 21 the tax=exempt bond proceeds restricted capital funds account
28 22 of the tobacco settlement trust fund to the department of
28 23 administrative services for FY 2005=2006.
28 24 This division makes changes to prior appropriations from
28 25 the endowment for Iowa's health restricted capitals fund to
28 26 the department of corrections for FY 2005=2006.
28 27 The division makes changes to prior appropriations from the
28 28 technology reinvestment fund to the department of
28 29 administrative services and to the department of education for
28 30 FY 2006=2007.
28 31 This division provides for certain changes to be effective
28 32 upon enactment.
28 33 MISCELLANEOUS CODE CHANGES. This division amends the
28 34 definition of "vertical infrastructure" to include routine
28 35 maintenance for purposes of the rebuild Iowa infrastructure



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29 1 fund.

29 2 The division provides that for each fiscal year beginning
29 3 July 1, 2008, and annually thereafter, there is transferred
29 4 from the rebuild Iowa infrastructure fund to the general fund
29 5 of the state the amount of \$90 million.

29 6 The division decreases the standing appropriation from the
29 7 rebuild Iowa infrastructure fund to the environment first fund
29 8 from \$40 million to \$25 million, retroactively applicable to
29 9 July 1, 2007. This provision takes effect upon enactment.

29 10 The division repeals the standing appropriation from the
29 11 rebuild Iowa infrastructure fund to the vertical
29 12 infrastructure fund for FY 2008=2009.

29 13 The division provides that on July 1, 2008, any obligated
29 14 and unencumbered balance in the vertical infrastructure fund
29 15 shall be transferred to the rebuild Iowa infrastructure fund
29 16 and repeals this provision July 1, 2010.

29 17 The bill creates a new Code section authorizing the
29 18 treasurer of state to issue bonds to finance prison
29 19 infrastructure projects approved for financing by the general
29 20 assembly. The proceeds of the bonds are to be deposited into
29 21 a FY 2009 prison bonding fund. Moneys in the prison
29 22 infrastructure fund are to be used to pay for the bonds issued
29 23 by the treasurer of state and the moneys in this fund include
29 24 fines, fees, costs, and forfeited bail collected by the clerks
29 25 of the district court in criminal cases.

29 26 The bill creates the 2009 tax-exempt bond proceeds
29 27 restricted capital funds account of the tobacco settlement
29 28 trust fund in Code section 12E.12. This account is created
29 29 from the net proceeds of tax-exempt bonds issued as a result
29 30 of the securitization of any remaining tobacco settlement
29 31 payments to provide funds for capital projects and certain
29 32 debt service related to the tobacco master settlement
29 33 agreement.

29 34 The bill creates the 2009 taxable bond proceeds fund
29 35 account of the tobacco settlement trust fund in Code section



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30 1 12E.12. This account is created from the proceeds of taxable
30 2 bonds issued as a result of the securitization of any
30 3 remaining tobacco settlement payments and the net proceeds are
30 4 to be transferred to the state general fund.
30 5 LSB 5019XG 82
30 6 rh/mg/14.4



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Senate Study Bill 3267

SENATE FILE
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON RIELLY)

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

A BILL FOR

1 An Act allocating revenues to the TIME=21 fund, increasing motor
2 vehicle and trailer registration fees, title fees, and
3 driver's license fees, reallocating certain fees collected by
4 the department of transportation, repealing the use tax on
5 vehicles subject to registration and the use tax on certain
6 leased motor vehicles, establishing a fee for new registration
7 of vehicles, making penalties applicable, and providing
8 effective dates.
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
10 TL5B 6422XC 82
11 dea/nh/24



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PAG LIN

1 1 DIVISION I
1 2 MOTOR VEHICLE REGISTRATION FEES
1 3 Section 1. Section 312.2, Code Supplement 2007, is amended
1 4 by adding the following new subsection:
1 5 NEW SUBSECTION. 19. a. The treasurer of state, before
1 6 making the allotments provided for in this section, shall
1 7 credit annually to the TIME=21 fund created in section 312A.2,
1 8 the revenue accruing to the road use tax fund from motor
1 9 vehicle registration fees for passenger cars, multipurpose
1 10 vehicles, and motor trucks in excess of three hundred
1 11 forty=six million dollars annually.
1 12 b. This subsection is repealed June 30, 2028.
1 13 Sec. 2. Section 321.1, Code 2007, is amended by adding the
1 14 following new subsection:
1 15 NEW SUBSECTION. 7A. "Business=trade truck" means a motor
1 16 truck with an unladen weight of ten thousand pounds or less
1 17 that is any of the following:
1 18 a. Owned, leased, or used by a person who files a schedule
1 19 C or schedule F form with the federal internal revenue
1 20 service.
1 21 b. Eligible for depreciation under section 167 of the
1 22 Internal Revenue Code.
1 23 c. Owned, leased, or used by a person engaged in a
1 24 business or trade and regularly used to haul supplies, trade
1 25 tools, equipment, merchandise, or freight for that business or
1 26 trade.
1 27 d. Owned, leased, or used by a person who is engaged in
1 28 the production of farm products, including but not limited to
1 29 crops, energy, livestock, or poultry, equal in value to more
1 30 than one thousand dollars annually.
1 31 Sec. 3. Section 321.109, subsection 1, paragraph a, Code
1 32 2007, is amended to read as follows:
1 33 a. The annual fee for all motor vehicles including
1 34 vehicles designated by manufacturers as station wagons, ~~and~~
1 35 1993 and subsequent model ~~years for~~ year multipurpose



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2 1 vehicles, and 2010 and subsequent model year motor trucks with
2 2 an unladen weight of ten thousand pounds or less, except motor
2 3 trucks registered under section 321.122, business=trade
2 4 trucks, special trucks, motor homes, ambulances, hearses,
2 5 motorcycles, motorized bicycles, and 1992 and older model
2 6 years for year multipurpose vehicles, shall be equal to one
2 7 percent of the value as fixed by the department plus forty
2 8 cents for each one hundred pounds or fraction thereof of
2 9 weight of vehicle, as fixed by the department. The weight of
2 10 a motor vehicle, fixed by the department for registration
2 11 purposes, shall include the weight of a battery, heater,
2 12 bumpers, spare tire, and wheel. Provided, however, that for
2 13 any new vehicle purchased in this state by a nonresident for
2 14 removal to the nonresident's state of residence the purchaser
2 15 may make application to the county treasurer in the county of
2 16 purchase for a transit plate for which a fee of ten dollars
2 17 shall be paid. And provided, however, that for any used
2 18 vehicle held by a registered dealer and not currently
2 19 registered in this state, or for any vehicle held by an
2 20 individual and currently registered in this state, when
2 21 purchased in this state by a nonresident for removal to the
2 22 nonresident's state of residence, the purchaser may make
2 23 application to the county treasurer in the county of purchase
2 24 for a transit plate for which a fee of three dollars shall be
2 25 paid. The county treasurer shall issue a nontransferable
2 26 certificate of registration for which no refund shall be
2 27 allowed; and the transit plates shall be void thirty days
2 28 after issuance. Such purchaser may apply for a certificate of
2 29 title by surrendering the manufacturer's or importer's
2 30 certificate or certificate of title, duly assigned as provided
2 31 in this chapter. In this event, the treasurer in the county
2 32 of purchase shall, when satisfied with the genuineness and
2 33 regularity of the application, and upon payment of a fee of
2 34 ten dollars, issue a certificate of title in the name and
2 35 address of the nonresident purchaser delivering the title to



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3 1 the owner. If there is a security interest noted on the
3 2 title, the county treasurer shall mail to the secured party an
3 3 acknowledgment of the notation of the security interest. The
3 4 county treasurer shall not release a security interest that
3 5 has been noted on a title issued to a nonresident purchaser as
3 6 provided in this paragraph. The application requirements of
3 7 section 321.20 apply to a title issued as provided in this
3 8 subsection, except that a natural person who applies for a
3 9 certificate of title shall provide either the person's social
3 10 security number, passport number, or driver's license number,
3 11 whether the license was issued by this state, another state,
3 12 or another country. The provisions of this subsection
3 13 relating to multipurpose vehicles are effective ~~January 1,~~
~~3 14 1993,~~ for all 1993 and subsequent model years. The annual
3 15 registration fee for multipurpose vehicles that are 1992 model
3 16 years and older shall be in accordance with section 321.124.
3 17 Sec. 4. Section 321.113, Code 2007, is amended to read as
3 18 follows:
3 19 321.113 AUTOMATIC REDUCTION.
3 20 1. The annual registration fee for a motor vehicle shall
3 21 not be automatically reduced under this section unless the
3 22 ~~registration~~ fee is based on the value and weight of the motor
3 23 vehicle as provided in section 321.109, subsection 1.
3 24 2. If a motor vehicle is more than ~~five~~ seven model years
3 25 old, the part of the registration fee that is based on the
3 26 value of the vehicle shall be ~~seventy=~~five percent of the rate
3 27 as fixed when the motor vehicle was new and the total fee
3 28 shall not be less than fifty dollars; except that if the
3 29 vehicle has been titled in the same person's name since the
3 30 vehicle was new or the title to the vehicle was transferred
3 31 prior to January 1, 2009, the registration fee shall not be
3 32 more than the fee paid for the previous registration year.
3 33 3. If a motor vehicle is more than ~~six~~ nine model years
3 34 old, the part of the registration fee that is based on the
3 35 value of the vehicle shall be fifty percent of the rate as



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4 1 fixed when the motor vehicle was new and the total fee shall
 4 2 not be less than fifty dollars; except that if the vehicle has
 4 3 been titled in the same person's name since the vehicle was
 4 4 new or the title to the vehicle was transferred prior to
 4 5 January 1, 2009, the registration fee shall not be more than
 4 6 the fee paid for the previous registration year.

4 7 ~~4. If a 1994 model year or newer motor vehicle is nine~~
~~4 8 model years old or older the registration fee is thirty-five~~
~~4 9 dollars. For purposes of determining the portion of the~~
~~4 10 registration fee under this subsection that is based upon the~~
~~4 11 value of the motor vehicle, sixty percent of the registration~~
~~4 12 fee is attributable to the value of the vehicle.~~

4 13 ~~5. a. If a 1993 model year or older motor vehicle has~~
~~4 14 been titled in the same person's name since the vehicle was~~
~~4 15 new or the title to the vehicle was transferred prior to~~
~~4 16 January 1, 2002, the part of the registration fee that is~~
~~4 17 based on the value of the vehicle shall be ten percent of the~~
~~4 18 rate as fixed when the motor vehicle was new.~~

~~4 19 b. If the title of a 1993 model year or older motor~~
~~4 20 vehicle is transferred to a new owner or if such a motor~~
~~4 21 vehicle is brought into the state on or after January 1, 2002,~~
~~4 22 the registration fee shall not be based on the weight and list~~
~~4 23 price of the motor vehicle, but shall be as follows:~~

- 4 24 (1) For a motor vehicle that is model year
- ~~4 25 1969 or older:..... \$ 16.00~~
- 4 26 (2) For a motor vehicle that is model year
- ~~4 27 1970 through 1989:..... \$ 23.00~~
- 4 28 (3) For a motor vehicle that is model year
- ~~4 29 1990 through 1993:..... \$ 27.00~~

4 30 For purposes of determining the portion of the registration
~~4 31 fee under this paragraph "b" that is based upon the value of~~
~~4 32 the motor vehicle, sixty percent of the registration fee is~~
~~4 33 attributable to the value of the vehicle.~~

4 34 4. a. Except as provided in paragraph "b", if a motor
 4 35 vehicle is twelve model years old or older, the registration



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5 1 fee is fifty dollars; except that if the vehicle has been
5 2 titled in the same person's name since the vehicle was new or
5 3 the title to the vehicle was transferred prior to January 1,
5 4 2009, the registration fee shall not be more than the fee paid
5 5 for the previous registration year.

5 6 b. If a motor vehicle was registered as an antique vehicle
5 7 pursuant to section 321.115 prior to January 1, 2009, and
5 8 either the motor vehicle has been titled in the same person's
5 9 name since the vehicle was new or the title to the vehicle was
5 10 transferred prior to January 1, 2009, the registration fee
5 11 shall be twenty-three dollars for a motor vehicle that is
5 12 model year 1970 through 1983 and sixteen dollars for a motor
5 13 vehicle that is model year 1969 or older.

5 14 c. For purposes of determining the portion of a
5 15 registration fee under paragraph "a" or "b" that is based upon
5 16 the value of the motor vehicle, sixty percent of the
5 17 registration fee is attributable to the value of the vehicle.

5 18 Sec. 5. NEW SECTION. 321.120 BUSINESS=TRADE TRUCKS.

5 19 1. The annual registration fee for a business=trade truck
5 20 shall be determined pursuant to section 321.122, subsection 1,
5 21 paragraph "a" or "b".

5 22 2. Upon application for a new registration, an owner who
5 23 registers a motor vehicle as a business=trade truck shall be
5 24 required to provide proof or certify by signed affidavit that
5 25 the vehicle meets the definition of a business=trade truck.
5 26 The department may adopt rules as necessary to prescribe the
5 27 documentation required as proof or certification under this
5 28 subsection.

5 29 3. If the department determines by audit or other means
5 30 that a person has registered a vehicle as a business=trade
5 31 truck that is not qualified for such registration, the person
5 32 may be required to pay regular registration fees applicable to
5 33 the vehicle under section 321.109 or 321.113, in addition to
5 34 any other penalty or sanction imposed by law.

5 35 Sec. 6. Section 321.121, Code 2007, is amended to read as



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6 1 follows:

6 2 321.121 SPECIAL TRUCKS FOR FARM USE.

6 3 1. a. The annual registration fee for a special truck
6 4 shall be ~~eighty one hundred~~ dollars for a gross weight of six
6 5 tons, ~~one hundred dollars for a gross weight of seven tons,~~
~~6 6 one hundred twenty dollars for a gross weight of eight tons,~~
~~6 7 and in addition, fifteen dollars for each ton over eight tons~~
~~6 8 and not exceeding eighteen tons.~~

6 9 b. The annual registration fee for a special truck with a
6 10 gross weight exceeding six tons but not exceeding eighteen
6 11 tons shall be as follows:

6 12	And not	The annual
6 13 For a gross	exceeding:	registration
6 14 weight exceeding:	exceeding:	fee shall be:
6 15 6 Tons	7 Tons	\$ 125
6 16 7 Tons	8 Tons	\$ 155
6 17 8 Tons	9 Tons	\$ 170
6 18 9 Tons	10 Tons	\$ 190
6 19 10 Tons	11 Tons	\$ 205
6 20 11 Tons	12 Tons	\$ 225
6 21 12 Tons	13 Tons	\$ 245
6 22 13 Tons	14 Tons	\$ 265
6 23 14 Tons	15 Tons	\$ 280
6 24 15 Tons	16 Tons	\$ 295
6 25 16 Tons	17 Tons	\$ 305
6 26 17 Tons	18 Tons	\$ 315

6 27 c. The registration fee for a special truck with a gross
6 28 weight registration exceeding eighteen tons but not exceeding
6 29 nineteen tons shall be three hundred twenty-five dollars and
6 30 for a gross weight registration exceeding nineteen tons but
6 31 not exceeding twenty tons the registration fee shall be three
6 32 hundred seventy-five dollars.

6 33 d. The additional registration fee for a special truck for
6 34 a gross weight registration in excess of twenty tons is
6 35 twenty-five dollars for each ton over twenty tons and not



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7 1 exceeding thirty-two tons.

7 2 2. A person convicted of or found by audit to be using a
7 3 motor vehicle registered as a special truck for any purpose
7 4 other than permitted by section 321.1, subsection 76, shall,
7 5 in addition to any other penalty imposed by law, be required
7 6 to pay regular motor vehicle registration fees upon such motor
7 7 vehicle.

7 8 Sec. 7. Section 321.122, subsection 1, Code 2007, is
7 9 amended to read as follows:

7 10 1. The annual registration fee for truck tractors, road
7 11 tractors, and motor trucks, except 2010 and subsequent model
7 12 year motor trucks required to be registered under section
7 13 321.109 and motor trucks registered as special trucks, shall
7 14 be based on the combined gross weight of the vehicle or
7 15 combination of vehicles. All such trucks, truck tractors, or
7 16 road tractors registered under this section shall be
7 17 registered for a gross weight equal to or in excess of the
7 18 unladen weight of the vehicle or combination of vehicles. The
7 19 annual registration fee for such vehicles or combination of
7 20 vehicles, except special trucks, shall be:

7 21 a. ~~For a combined gross weight of three tons or less~~
~~7 22 sixty-five dollars and a vehicle which is more than ten model~~
~~7 23 years old fifty-five dollars and a vehicle which is more than~~
~~7 24 thirteen model years old forty-five dollars and a vehicle~~
~~7 25 which is more than fifteen years old thirty-five dollars.~~

7 26 b. ~~For a combined gross weight exceeding three tons,~~
7 27 Except as provided in paragraph "b", the annual registration
7 28 fee for a combined gross weight of four tons or less shall be
7 29 one hundred fifty dollars and the annual registration fee for
7 30 a combined gross weight exceeding four tons shall be as set

7 31 forth in the following schedule:
7 32 For a combined And not The annual
7 33 gross weight exceeding: registration
7 34 exceeding: fee shall be:
7 35 ~~3 Tons~~ ~~4 Tons~~ ~~\$ 80~~



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8 1	4 Tons	5 Tons	\$ 90
8 2			<u>160</u>
8 3	5 Tons	6 Tons	\$ 105
8 4			<u>170</u>
8 5	6 Tons	7 Tons	\$ 130
8 6			<u>180</u>
8 7	7 Tons	8 Tons	\$ 165
8 8			<u>190</u>
8 9	8 Tons	9 Tons	\$ 200
8 10	9 Tons	10 Tons	\$ 235
8 11	10 Tons	11 Tons	\$ 270
8 12	11 Tons	12 Tons	\$ 305
8 13	12 Tons	13 Tons	\$ 340
8 14	13 Tons	14 Tons	\$ 375
8 15	14 Tons	15 Tons	\$ 445
8 16	15 Tons	16 Tons	\$ 485
8 17	16 Tons	17 Tons	\$ 525
8 18	17 Tons	18 Tons	\$ 565
8 19	18 Tons	19 Tons	\$ 610
8 20	19 Tons	20 Tons	\$ 675
8 21	20 Tons	21 Tons	\$ 715
8 22	21 Tons	22 Tons	\$ 755
8 23	22 Tons	23 Tons	\$ 795
8 24	23 Tons	24 Tons	\$ 835
8 25	24 Tons	25 Tons	\$ 965
8 26	25 Tons	26 Tons	\$1,010
8 27	26 Tons	27 Tons	\$1,060
8 28	27 Tons	28 Tons	\$1,105
8 29	28 Tons	29 Tons	\$1,150
8 30	29 Tons	30 Tons	\$1,200
8 31	30 Tons	31 Tons	\$1,245
8 32	31 Tons	32 Tons	\$1,295
8 33	32 Tons	33 Tons	\$1,340
8 34	33 Tons	34 Tons	\$1,415
8 35	34 Tons	35 Tons	\$1,465



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9	1	35 Tons	36 Tons	\$1,510
9	2	36 Tons	37 Tons	\$1,555
9	3	37 Tons	38 Tons	\$1,605
9	4	38 Tons	39 Tons	\$1,650
9	5	39 Tons	40 Tons	\$1,695

9 6 b. For a combined gross weight of eight tons or less, if
 9 7 the motor vehicle has been titled in the same person's name
 9 8 since the motor vehicle was new or the title to the motor
 9 9 vehicle was transferred prior to January 1, 2009, the
 9 10 following applies:

9 11 (1) For a combined gross weight of three tons or less, the
 9 12 annual registration fee shall be the same as the fee paid by
 9 13 the owner of the motor vehicle for the previous registration
 9 14 year, which shall be sixty-five dollars or less.

9 15 (2) For a combined gross weight exceeding three tons but
 9 16 not exceeding eight tons, the annual registration fee shall be
 9 17 as set forth in the following schedule:

9 18 <u>For a combined</u>		9 18 <u>And not</u>		9 18 <u>The annual</u>
9 19 <u>gross weight</u>		9 19 <u>exceeding:</u>		9 19 <u>registration</u>
9 20 <u>exceeding:</u>				9 20 <u>fee shall be:</u>
9 21 <u>3 Tons</u>		9 21 <u>4 Tons</u>		9 21 <u>\$ 80</u>
9 22 <u>4 Tons</u>		9 22 <u>5 Tons</u>		9 22 <u>\$ 90</u>
9 23 <u>5 Tons</u>		9 23 <u>6 Tons</u>		9 23 <u>\$ 105</u>
9 24 <u>6 Tons</u>		9 24 <u>7 Tons</u>		9 24 <u>\$ 130</u>
9 25 <u>7 Tons</u>		9 25 <u>8 Tons</u>		9 25 <u>\$ 165</u>

9 26 c. For a combined gross weight exceeding forty tons, the
 9 27 annual registration fee shall be one thousand six hundred
 9 28 ninety-five dollars plus eighty dollars for each ton over
 9 29 forty tons.

9 30 Sec. 8. EFFECTIVE DATE AND APPLICABILITY. This division
 9 31 of this Act takes effect January 1, 2009, and applies to
 9 32 vehicles registered for registration years beginning in 2009
 9 33 and subsequent years.

9 34 DIVISION II
 9 35 DRIVER'S LICENSE FEES



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10 1 Sec. 9. Section 312.2, Code Supplement 2007, is amended by
10 2 adding the following new subsection:

10 3 NEW SUBSECTION. 19. a. The treasurer of state, before
10 4 making the allotments provided for in this section, shall
10 5 credit monthly to the TIME=21 fund created in section 312A.2
10 6 an amount equal to the portion of fees collected from the
10 7 issuance of driver's licenses pursuant to section 321.191 as
10 8 follows:

10 9 (1) For each noncommercial driver's license, three dollars
10 10 per year of license validity.

10 11 (2) For each chauffer's license, five dollars per year of
10 12 license validity.

10 13 (3) For each commercial driver's license, five dollars per
10 14 year of license validity.

10 15 (4) From the additional fee collected for each license
10 16 valid for the operation of a motorcycle, one dollar per year
10 17 of license validity.

10 18 b. This subsection is repealed June 30, 2028.

10 19 Sec. 10. Section 321.191, subsections 2, 3, 4, and 5, Code
10 20 2007, are amended to read as follows:

10 21 2. NONCOMMERCIAL DRIVER'S LICENSES. The fee for a
10 22 noncommercial driver's license, other than a class D driver's
10 23 license or any type of instruction permit, is ~~four~~ seven
10 24 dollars per year of license validity.

10 25 3. LICENSES FOR CHAUFFEURS. The fee for a noncommercial
10 26 class D driver's license is ~~eight~~ thirteen dollars per year of
10 27 license validity.

10 28 4. COMMERCIAL DRIVER'S LICENSES. The fee for a commercial
10 29 driver's license, other than an instruction permit, for the
10 30 operation of a commercial motor vehicle is ~~eight~~ thirteen
10 31 dollars per year of license validity.

10 32 5. LICENSES VALID FOR MOTORCYCLES. An additional fee of
10 33 ~~one dollar~~ two dollars per year of license validity is
10 34 required to issue a license valid to operate a motorcycle.

10 35 DIVISION III



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11 1 TITLE FEES
11 2 Sec. 11. Section 312.2, Code Supplement 2007, is amended
11 3 by adding the following new subsection:
11 4 NEW SUBSECTION. 20. a. The treasurer of state, before
11 5 making the allotments provided for in this section, shall
11 6 credit monthly to the TIME=21 fund created in section 312A.2,
11 7 an amount equal to ten dollars from each fee for issuance of a
11 8 certificate of title collected pursuant to sections 321.20;
11 9 321.20A; 321.23; 321.42; 321.46, other than a title issued for
11 10 a returned vehicle under section 322G.12; section 321.47; and
11 11 section 321.109 and an amount equal to eight dollars from each
11 12 fee collected for issuance of a certificate of title pursuant
11 13 to section 321.46 for a returned vehicle under section 322G.12
11 14 and from each fee collected for issuance of a salvage
11 15 certificate of title pursuant to section 321.52.
11 16 b. This subsection is repealed June 30, 2028.
11 17 Sec. 12. Section 321.20, subsection 1, unnumbered
11 18 paragraph 1, Code 2007, is amended to read as follows:
11 19 Except as provided in this chapter, an owner of a vehicle
11 20 subject to registration shall make application to the county
11 21 treasurer of the county of the owner's residence, or if a
11 22 nonresident, to the county treasurer of the county where the
11 23 primary users of the vehicle are located, or if a lessor of
11 24 the vehicle pursuant to chapter 321F which vehicle has a gross
11 25 vehicle weight of less than ten thousand pounds, to the county
11 26 treasurer of the county of the lessee's residence, or if a
11 27 firm, association, or corporation with vehicles in multiple
11 28 counties, the owner may make application to the county
11 29 treasurer of the county where the primary user of the vehicle
11 30 is located, for the registration and issuance of a certificate
11 31 of title for the vehicle upon the appropriate form furnished
11 32 by the department. However, upon the transfer of ownership,
11 33 the owner of a vehicle subject to the proportional
11 34 registration provisions of chapter 326 shall make application
11 35 for registration and issuance of a certificate of title to



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12 1 either the department or the appropriate county treasurer.
12 2 The application shall be accompanied by a fee of ~~ten~~ twenty
12 3 dollars, and shall bear the owner's signature. A nonresident
12 4 owner of two or more vehicles subject to registration may make
12 5 application for registration and issuance of a certificate of
12 6 title for all vehicles subject to registration to the county
12 7 treasurer of the county where the primary user of any of the
12 8 vehicles is located. The owner of a mobile home or
12 9 manufactured home shall make application for a certificate of
12 10 title under this section from the county treasurer of the
12 11 county where the mobile home or manufactured home is located.
12 12 The application shall contain:

12 13 Sec. 13. Section 321.20A, subsection 1, Code 2007, is
12 14 amended to read as follows:

12 15 1. Notwithstanding other provisions of this chapter, the
12 16 owner of a commercial vehicle subject to the proportional
12 17 registration provisions of chapter 326 may make application to
12 18 the department or the appropriate county treasurer for a
12 19 certificate of title. The application for certificate of
12 20 title shall be made within thirty days of purchase or transfer
12 21 and shall be accompanied by a ~~ten~~ twenty dollar title fee and
12 22 the appropriate use tax. The department or the county
12 23 treasurer shall deliver the certificate of title to the owner
12 24 if there is no security interest. If there is a security
12 25 interest, the title, when issued, shall be delivered to the
12 26 first secured party. Delivery may be made using electronic
12 27 means.

12 28 Sec. 14. Section 321.23, subsections 1 and 4, Code 2007,
12 29 are amended to read as follows:

12 30 1. If the vehicle to be registered is a specially
12 31 constructed, reconstructed, or foreign vehicle, such fact
12 32 shall be stated in the application. A fee of ~~ten~~ twenty
12 33 dollars shall be paid by the person making the application
12 34 upon issuance of a certificate of title by the county
12 35 treasurer. For a specially constructed or reconstructed motor



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13 1 vehicle subject to registration, the application shall be
13 2 accompanied by a statement from the department authorizing the
13 3 motor vehicle to be titled and registered in this state. The
13 4 department shall cause a physical inspection to be made of all
13 5 specially constructed or reconstructed motor vehicles, upon
13 6 application for a certificate of title by the owner, to
13 7 determine whether the motor vehicle complies with the
13 8 definition of specially constructed motor vehicle or
13 9 reconstructed motor vehicle in this chapter and to determine
13 10 that the integral component parts are properly identified and
13 11 that the rightful ownership is established before issuing the
13 12 owner the authority to have the motor vehicle registered and
13 13 titled. The purpose of the physical inspection under this
13 14 section is not to determine whether the motor vehicle is in a
13 15 condition safe to operate. The owner of a specially
13 16 constructed or reconstructed vehicle shall apply for a
13 17 certificate of title and registration for the vehicle at the
13 18 county treasurer's office within thirty days of the
13 19 inspection. For a foreign vehicle which has been registered
13 20 outside this state, the owner shall surrender to the treasurer
13 21 all registration plates, registration cards, and certificates
13 22 of title, or if the vehicle to be registered is from a
13 23 nontitle state, the evidence of foreign registration and
13 24 ownership as may be prescribed by the department except as
13 25 provided in subsection 2.
13 26 4. A vehicle which does not meet the equipment
13 27 requirements of this chapter due to the particular use for
13 28 which it is designed or intended, may be registered by the
13 29 department upon payment of appropriate fees and after
13 30 inspection and certification by the department that the
13 31 vehicle is not in an unsafe condition. A person is not
13 32 required to have a certificate of title to register a vehicle
13 33 under this subsection. If the owner elects to have a
13 34 certificate of title issued for the vehicle, a fee of ~~ten~~
13 35 twenty dollars shall be paid by the person making the



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14 1 application upon issuance of a certificate of title. If the
14 2 department's inspection reveals that the vehicle may be safely
14 3 operated only under certain conditions or on certain types of
14 4 roadways, the department may restrict the registration to
14 5 limit operation of the vehicle to the appropriate conditions
14 6 or roadways. This subsection does not apply to snowmobiles as
14 7 defined in section 321G.1. Section 321.382 does not apply to
14 8 a vehicle registered under this subsection which is operated
14 9 exclusively by a person with a disability who has obtained a
14 10 persons with disabilities parking permit as provided in
14 11 section 321L.2, if the persons with disabilities parking
14 12 permit is carried in or on the vehicle and shown to a peace
14 13 officer on request.

14 14 Sec. 15. Section 321.42, subsection 2, paragraph a, Code
14 15 2007, is amended to read as follows:

14 16 a. If a certificate of title is lost or destroyed, the
14 17 owner or lienholder shall apply for a replacement copy of the
14 18 original certificate of title. The owner or lienholder of a
14 19 motor vehicle may also apply for a replacement copy of the
14 20 original certificate of title upon surrender of the original
14 21 certificate of title with the application. The application
14 22 shall be made to the department or county treasurer who issued
14 23 the original certificate of title. The application shall be
14 24 signed by the owner or lienholder and accompanied by a fee of
14 25 ~~ten~~ twenty dollars.

14 26 Sec. 16. Section 321.46, subsection 2, Code 2007, is
14 27 amended to read as follows:

14 28 2. Upon filing the application for a new registration and
14 29 a new title, the applicant shall pay a title fee of ~~ten~~ twenty
14 30 dollars and a registration fee prorated for the remaining
14 31 unexpired months of the registration year. A manufacturer
14 32 applying for a certificate of title pursuant to section
14 33 322G.12 shall pay a title fee of ~~two~~ ten dollars. However, a
14 34 title fee shall not be charged to a manufactured or mobile
14 35 home retailer applying for a certificate of title for a used



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15 1 mobile home or manufactured home, titled in Iowa, as required
15 2 under section 321.45, subsection 4. The county treasurer, if
15 3 satisfied of the genuineness and regularity of the
15 4 application, and in the case of a mobile home or manufactured
15 5 home, that taxes are not owing under chapter 435, and that
15 6 applicant has complied with all the requirements of this
15 7 chapter, shall issue a new certificate of title and, except
15 8 for a mobile home, manufactured home, or a vehicle returned to
15 9 and accepted by a manufacturer as described in section
15 10 322G.12, a registration card to the purchaser or transferee,
15 11 shall cancel the prior registration for the vehicle, and shall
15 12 forward the necessary copies to the department on the date of
15 13 issuance, as prescribed in section 321.24. Mobile homes or
15 14 manufactured homes titled under chapter 448 that have been
15 15 subject under section 446.18 to a public bidder sale in a
15 16 county shall be titled in the county's name, with no fee, and
15 17 the county treasurer shall issue the title.

15 18 Sec. 17. Section 321.47, unnumbered paragraph 1, Code
15 19 2007, is amended to read as follows:

15 20 If ownership of a vehicle is transferred by operation of
15 21 law upon inheritance, devise or bequest, dissolution decree,
15 22 order in bankruptcy, insolvency, replevin, foreclosure or
15 23 execution sale, abandoned vehicle sale, or when the engine of
15 24 a motor vehicle is replaced by another engine, or a vehicle is
15 25 sold or transferred to satisfy an artisan's lien as provided
15 26 in chapter 577, a landlord's lien as provided in chapter 570,
15 27 a storage lien as provided in chapter 579, a judgment in an
15 28 action for abandonment of a manufactured or mobile home as
15 29 provided in chapter 555B, upon presentation of an affidavit
15 30 relating to the disposition of a valueless mobile, modular, or
15 31 manufactured home as provided in chapter 555C, or repossession
15 32 is had upon default in performance of the terms of a security
15 33 agreement, the county treasurer in the transferee's county of
15 34 residence or, in the case of a mobile home or manufactured
15 35 home, the county treasurer of the county where the mobile home



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16 1 or manufactured home is located, upon the surrender of the
16 2 prior certificate of title or the manufacturer's or importer's
16 3 certificate, or when that is not possible, upon presentation
16 4 of satisfactory proof to the county treasurer of ownership and
16 5 right of possession to the vehicle and upon payment of a fee
16 6 of ~~ten~~ twenty dollars and the presentation of an application
16 7 for registration and certificate of title, may issue to the
16 8 applicant a registration card for the vehicle and a
16 9 certificate of title to the vehicle. A person entitled to
16 10 ownership of a vehicle under a decree of dissolution shall
16 11 surrender a reproduction of a certified copy of the
16 12 dissolution and upon fulfilling the other requirements of this
16 13 chapter is entitled to a certificate of title and registration
16 14 receipt issued in the person's name.

16 15 Sec. 18. Section 321.52, subsection 4, paragraph a, Code
16 16 Supplement 2007, is amended to read as follows:

16 17 a. A vehicle rebuilder or a person engaged in the business
16 18 of buying, selling, or exchanging vehicles of a type required
16 19 to be registered in this state, upon acquisition of a wrecked
16 20 or salvage vehicle, shall surrender the certificate of title
16 21 or manufacturer's or importer's statement of origin properly
16 22 assigned, together with an application for a salvage
16 23 certificate of title, to the county treasurer of the county of
16 24 residence of the purchaser or transferee within thirty days
16 25 after the date of assignment of the certificate of title for
16 26 the wrecked or salvage motor vehicle. This subsection applies
16 27 only to vehicles with a fair market value of five hundred
16 28 dollars or more, based on the value before the vehicle became
16 29 wrecked or salvage. Upon payment of a fee of ~~two~~ ten dollars,
16 30 the county treasurer shall issue a salvage certificate of
16 31 title which shall bear the word "SALVAGE" stamped or printed
16 32 on the face of the title in a manner prescribed by the
16 33 department. A salvage certificate of title may be assigned to
16 34 an educational institution, a new motor vehicle dealer
16 35 licensed under chapter 322, a person engaged in the business



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17 1 of purchasing bodies, parts of bodies, frames or component
17 2 parts of vehicles for sale as scrap metal, a salvage pool, or
17 3 an authorized vehicle recycler licensed under chapter 321H.
17 4 An authorized vehicle recycler licensed under chapter 321H or
17 5 a new motor vehicle dealer licensed under chapter 322 may
17 6 assign or reassign an Iowa salvage certificate of title or a
17 7 salvage certificate of title from another state to any person,
17 8 and the provisions of section 321.24, subsection 5, requiring
17 9 issuance of an Iowa salvage certificate of title shall not
17 10 apply. A vehicle on which ownership has transferred to an
17 11 insurer of the vehicle as a result of a settlement with the
17 12 owner of the vehicle arising out of damage to, or unrecovered
17 13 theft of, the vehicle shall be deemed to be a wrecked or
17 14 salvage vehicle and the insurer shall comply with this
17 15 subsection to obtain a salvage certificate of title within
17 16 thirty days after the date of assignment of the certificate of
17 17 title of the vehicle.

17 18 Sec. 19. Section 321.109, subsection 1, paragraph a, Code
17 19 2007, is amended to read as follows:

17 20 a. The annual fee for all motor vehicles including
17 21 vehicles designated by manufacturers as station wagons, and
17 22 1993 and subsequent model years for multipurpose vehicles,
17 23 except motor trucks, motor homes, ambulances, hearses,
17 24 motorcycles, motorized bicycles, and 1992 and older model
17 25 years for multipurpose vehicles, shall be equal to one percent
17 26 of the value as fixed by the department plus forty cents for
17 27 each one hundred pounds or fraction thereof of weight of
17 28 vehicle, as fixed by the department. The weight of a motor
17 29 vehicle, fixed by the department for registration purposes,
17 30 shall include the weight of a battery, heater, bumpers, spare
17 31 tire, and wheel. Provided, however, that for any new vehicle
17 32 purchased in this state by a nonresident for removal to the
17 33 nonresident's state of residence the purchaser may make
17 34 application to the county treasurer in the county of purchase
17 35 for a transit plate for which a fee of ten dollars shall be



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18 1 paid. And provided, however, that for any used vehicle held
18 2 by a registered dealer and not currently registered in this
18 3 state, or for any vehicle held by an individual and currently
18 4 registered in this state, when purchased in this state by a
18 5 nonresident for removal to the nonresident's state of
18 6 residence, the purchaser may make application to the county
18 7 treasurer in the county of purchase for a transit plate for
18 8 which a fee of three dollars shall be paid. The county
18 9 treasurer shall issue a nontransferable certificate of
18 10 registration for which no refund shall be allowed; and the
18 11 transit plates shall be void thirty days after issuance. Such
18 12 purchaser may apply for a certificate of title by surrendering
18 13 the manufacturer's or importer's certificate or certificate of
18 14 title, duly assigned as provided in this chapter. In this
18 15 event, the treasurer in the county of purchase shall, when
18 16 satisfied with the genuineness and regularity of the
18 17 application, and upon payment of a fee of ~~ten~~ twenty dollars,
18 18 issue a certificate of title in the name and address of the
18 19 nonresident purchaser delivering the title to the owner. If
18 20 there is a security interest noted on the title, the county
18 21 treasurer shall mail to the secured party an acknowledgment of
18 22 the notation of the security interest. The county treasurer
18 23 shall not release a security interest that has been noted on a
18 24 title issued to a nonresident purchaser as provided in this
18 25 paragraph. The application requirements of section 321.20
18 26 apply to a title issued as provided in this subsection, except
18 27 that a natural person who applies for a certificate of title
18 28 shall provide either the person's social security number,
18 29 passport number, or driver's license number, whether the
18 30 license was issued by this state, another state, or another
18 31 country. The provisions of this subsection relating to
18 32 multipurpose vehicles are effective January 1, 1993, for all
18 33 1993 and subsequent model years. The annual registration fee
18 34 for multipurpose vehicles that are 1992 model years and older
18 35 shall be in accordance with section 321.124.



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19 1 DIVISION IV
19 2 TRAILER REGISTRATION FEES
19 3 Sec. 20. Section 312.2, Code Supplement 2007, is amended
19 4 by adding the following new subsection:
19 5 NEW SUBSECTION. 21. a. The treasurer of state, before
19 6 making the allotments provided for in this section, shall
19 7 credit monthly to the TIME=21 fund created in section 312A.2
19 8 an amount equal to ten dollars from each trailer registration
19 9 fee collected pursuant to section 321.123, subsection 1,
19 10 paragraph "a", subparagraph (1), and twenty dollars from each
19 11 trailer registration fee collected pursuant to section
19 12 321.123, subsection 1, paragraph "a", subparagraph (2).
19 13 b. This subsection is repealed June 30, 2028.
19 14 Sec. 21. Section 321.122, subsection 2, Code 2007, is
19 15 amended by striking the subsection.
19 16 Sec. 22. Section 321.123, Code 2007, is amended to read as
19 17 follows:
19 18 321.123 TRAILERS.
19 19 1. a. All trailers except farm trailers, mobile homes,
19 20 and manufactured homes, unless otherwise provided in this
19 21 section, are subject to a registration fee of ten dollars. as
19 22 follows:
19 23 (1) For trailers with an empty weight of two thousand
19 24 pounds or less, the annual registration fee is twenty dollars.
19 25 (2) For trailers with an empty weight in excess of two
19 26 thousand pounds, the annual registration fee is thirty
19 27 dollars.
19 28 b. Trailers for which the empty weight is two thousand
19 29 pounds or less are exempt from the certificate of title and
19 30 lien provisions of this chapter.
19 31 c. For trailers and semitrailers licensed under chapter
19 32 326, the annual registration fee for the permanent
19 33 registration plate shall be the applicable fee under paragraph
19 34 "a". The registration fees for a permanent registration
19 35 plate, at the option of the registrant, shall be remitted to



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20 1 the department at five-year intervals or on an annual basis.

20 2 Fees collected under this section shall not be reduced or
20 3 prorated under chapter 326.

20 4 ~~1-~~ 2. a. Travel trailers and fifth-wheel travel trailers,
20 5 except those in manufacturer's or dealer's stock, shall be
20 6 subject to an annual fee of twenty cents per square foot of
20 7 floor space computed on the exterior overall measurements, but
20 8 excluding three feet occupied by any trailer hitch as provided
20 9 by and certified to by the owner, to the nearest whole dollar.
20 10 When a travel trailer or fifth-wheel travel trailer is
20 11 registered in Iowa for the first time or when title is
20 12 transferred, the annual fee shall be prorated on a monthly
20 13 basis. The annual fee shall be reduced to seventy-five
20 14 percent of the full fee after the vehicle is more than six
20 15 model years old.

20 16 b. A travel trailer may be stored under section 321.134,
20 17 provided the travel trailer is not used for human habitation
20 18 for any period during storage and is not moved upon the
20 19 highways of the state. A travel trailer stored under section
20 20 321.134 is not subject to a manufactured or mobile home tax
20 21 assessed under chapter 435.

20 22 ~~2-~~ 3. Motor trucks or truck tractors pulling trailers or
20 23 semitrailers shall be registered for the combined gross weight
20 24 of the motor truck or truck tractor and trailer or
20 25 semitrailer, except that:

20 26 a. Motor trucks registered for six tons or less not used
20 27 for hire, pulling trailers or semitrailers used by a person
20 28 engaged in farming to transport commodities produced by the
20 29 owner, or to transport commodities or livestock purchased by
20 30 the owner for use in the owner's own farming operation or used
20 31 by any person to transport horses shall not be subject to
20 32 registration for the gross weight of such trailer or
20 33 semitrailer provided the combined gross weight does not exceed
20 34 twelve tons, plus the tolerance provided for in section
20 35 321.466.



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21 1 b. Motor trucks registered for six tons or less not used
21 2 for hire, pulling trailers or semitrailers used by a person in
21 3 the person's own operations shall not be subject to
21 4 registration for the gross weight of such trailer or
21 5 semitrailer provided the combined gross weight does not exceed
21 6 eight tons, plus the tolerance provided for in section
21 7 321.466.

21 8 Sec. 23. EFFECTIVE DATE AND APPLICABILITY. This division
21 9 of this Act takes effect January 1, 2009, and applies to
21 10 vehicles registered for registration years beginning in 2009
21 11 and subsequent years.

21 12 DIVISION V

21 13 TIME=21 FUNDING ANALYSIS

21 14 Sec. 24. TIME=21 FUNDING ANALYSIS. The department of
21 15 transportation shall conduct an analysis of the additional
21 16 revenues necessary to provide at least two hundred million
21 17 dollars annually to the TIME=21 fund by FY 2011=2012. The
21 18 analysis shall include but is not limited to the amount of
21 19 excise tax levied on motor fuel and adjustments that might be
21 20 made to various fees collected by the department in order to
21 21 create an appropriate balance of taxes and fees paid by Iowa
21 22 drivers and out-of-state drivers. The department shall submit
21 23 a report to the governor and the general assembly on or before
21 24 December 31, 2009, regarding its analysis.

21 25 DIVISION VI

21 26 USE TAX ON MOTOR VEHICLES REPEALED ==

21 27 FEE FOR NEW REGISTRATION IMPOSED

21 28 PART I

21 29 ROAD USE TAX FUND

21 30 Sec. 25. Section 312.1, Code 2007, is amended to read as
21 31 follows:

21 32 312.1 FUND CREATED.

21 33 1. There is hereby created, in the state treasury, a road
21 34 use tax fund. ~~Said~~ The road use tax fund shall ~~embrace and~~
21 35 include all of the following:



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22 1 ~~1.~~ a. All the net proceeds of the registration of motor
22 2 vehicles under chapter 321.
22 3 ~~2.~~ b. All the net proceeds of the motor fuel tax or
22 4 license fees under chapter 452A.
22 5 ~~3.~~ c. Revenue derived from the excise tax imposed upon
22 6 the rental of automobiles, under chapter 423C, ~~as to the~~
22 7 extent provided by section 423C.5.
22 8 ~~4. To the extent provided in section 423.43, subsection 1,~~
22 9 ~~paragraph "b", from revenue derived from the use tax, under~~
22 10 ~~chapter 423 on motor vehicles, trailers, and motor vehicle~~
22 11 ~~accessories and equipment.~~
22 12 ~~5.~~ d. Any other funds which may by law be credited to the
22 13 road use tax fund.
22 14 2. Notwithstanding section 12C.7, subsection 2, interest
22 15 or earnings on investments or time deposits of the moneys in
22 16 the road use tax fund and the funds to which moneys from the
22 17 road use tax fund are credited shall be credited to the road
22 18 use tax fund.
22 19 Sec. 26. Section 312.2, subsections 14 and 16, Code
22 20 Supplement 2007, are amended by striking the subsections.
22 21 Sec. 27. Section 312.2, Code Supplement 2007, is amended
22 22 by adding the following new subsection:
22 23 NEW SUBSECTION. 19. The treasurer of state, before making
22 24 the allotments provided for in this section, shall credit
22 25 monthly from the road use tax fund to the primary road fund an
22 26 amount equal to ten percent of the revenues collected from the
22 27 operation of section 321.105A, subsection 2, to be used for
22 28 the commercial and industrial highway network.
22 29 Sec. 28. Section 321.52A, Code 2007, is amended to read as
22 30 follows:
22 31 321.52A CERTIFICATE OF TITLE SURCHARGE == ALLOCATION OF
22 32 MONEYS.
22 33 ~~1.~~ In addition to the fee required for the issuance of a
22 34 certificate of title under section 321.20, 321.20A, 321.23,
22 35 321.42, 321.46, 321.47, 321.48, 321.50, or 321.52, a surcharge



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23 1 of five dollars shall be required. Of each surcharge
23 2 collected under those sections, the county treasurer shall
23 3 remit five dollars to the office of treasurer of state for
23 4 deposit as set forth in section 321.145, subsection 2.
23 5 ~~2. For the fiscal year beginning July 1, 2002, through the~~
~~23 6 fiscal year beginning July 1, 2006, the treasurer of state~~
~~23 7 shall deposit twenty percent of the moneys received under~~
~~23 8 subsection 1 in the waste tire management fund and deposit the~~
~~23 9 remainder in the road use tax fund. For the fiscal year~~
~~23 10 beginning July 1, 2007, and each subsequent fiscal year, the~~
~~23 11 treasurer of state shall deposit the entire amount of moneys~~
~~23 12 received under subsection 1 in the road use tax fund.~~
23 13 Sec. 29. Section 321.145, Code 2007, is amended to read as
23 14 follows:
23 15 321.145 DISPOSITION OF MONEYS AND FEES.
23 16 1. Except for fines, forfeitures, court costs, and the
23 17 collection fees retained by the county treasurer pursuant to
23 18 section 321.152, and except as provided in subsections 2 and
23 19 3, moneys and motor vehicle license registration fees
23 20 collected under this chapter shall be credited by the
23 21 treasurer of state to the road use tax fund.
23 22 2. a. Revenues derived from fees charged for driver's
23 23 licenses and nonoperator's identification cards, fees charged
23 24 for the issuance of a certificate of title, and the
23 25 certificate of title surcharge collected pursuant to section
23 26 321.52A, shall be credited as follows:
23 27 (1) An amount equal to four percent of the revenue from
23 28 the operation of section 321.105A, subsection 2, shall be
23 29 credited to the department, to be used for purposes of public
23 30 transit assistance under chapter 324A.
23 31 (2) An amount equal to one dollar per year of license
23 32 validity for each issued or renewed driver's license which is
23 33 valid for the operation of a motorcycle shall be credited to
23 34 the motorcycle education fund established under section
23 35 321.180B.



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24 1 (3) The amounts required to be transferred pursuant to
24 2 section 321.34 from revenues available under this subsection
24 3 shall be transferred and credited as provided in section
24 4 321.34, subsections 7, 10, 10A, 11, 11A, 11B, 13, 16, 17, 18,
24 5 19, 20, 20A, 20B, 21, 22, 23, and 24 for the various purposes
24 6 specified in those subsections.
24 7 b. Any such revenues remaining shall be credited to the
24 8 road use tax fund.
24 9 3. The department may direct the treasurer of state to
24 10 credit to the primary road fund any amount of revenues derived
24 11 from trailer registration fees collected pursuant to sections
24 12 321.105 and 321.105A to the extent necessary to reimburse that
24 13 fund for the expenditures not otherwise eligible to be made
24 14 from the primary road fund, which are made for repairing,
24 15 improving, and maintaining bridges over the rivers bordering
24 16 the state. Expenditures for those portions of bridges within
24 17 adjacent states may be included when they are made pursuant to
24 18 an agreement entered into under section 313.63, 313A.34, or
24 19 314.10.
24 20 Sec. 30. Section 423C.5, Code 2007, is amended to read as
24 21 follows:
24 22 423C.5 DEPOSIT OF REVENUE.
24 23 The department, at the direction of the department of
24 24 transportation, shall credit the revenue arising from the
24 25 operation of this chapter ~~shall be credited~~, as necessary to
24 26 supplement the funds available for the purposes specified in
24 27 section 321.145, subsection 2, paragraph "a". Any such
24 28 revenue remaining shall be credited to the road use tax fund.
24 29 Sec. 31. Section 424.7, subsection 4, Code 2007, is
24 30 amended to read as follows:
24 31 4. Upon receipt of a payment pursuant to this chapter, the
24 32 department shall deposit the moneys as follows:
24 33 a. Up to a maximum of four million two hundred fifty
24 34 thousand dollars per quarter shall be deposited into and
24 35 credited to the Iowa comprehensive petroleum underground



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25 1 storage tank fund created in section 455G.3, and the moneys so
25 2 deposited are a continuing appropriation for expenditure under
25 3 chapter 455G, and moneys so appropriated shall not be used for
25 4 other purposes.

25 5 b. Any such moneys remaining shall be deposited into the
25 6 road use tax fund created in section 312.1.

25 7

PART 2

25 8

FEE FOR NEW VEHICLE REGISTRATION

25 9 Sec. 32. Section 321.1, Code 2007, is amended by adding
25 10 the following new subsection:

25 11 NEW SUBSECTION. 59A. "Registration fees", unless
25 12 otherwise specified, means both the annual vehicle
25 13 registration fee and the fee for new registration, to the
25 14 extent applicable, for purposes of administering the
25 15 provisions of this chapter concerning vehicle registration
25 16 fees.

25 17 Sec. 33. Section 321.2, Code 2007, is amended to read as
25 18 follows:

25 19 321.2 DEPARTMENT.

25 20 1. The Except as otherwise provided by law, the state
25 21 department of transportation shall administer and enforce the
25 22 provisions of this chapter.

25 23 2. The division of state patrol of the department of
25 24 public safety shall enforce the provisions of this chapter
25 25 relating to traffic on the public highways of the state,
25 26 including those relating to the safe and legal operation of
25 27 passenger cars, motorcycles, motor trucks and buses, and to
25 28 see that proper safety rules are observed.

25 29 3. The state department of transportation and the
25 30 department of public safety shall cooperate to insure the
25 31 proper and adequate enforcement of the provisions of this
25 32 chapter.

25 33 4. The director of revenue shall administer and enforce
25 34 the collection of the fee for new registration as provided in
25 35 section 321.105A.



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26 1 Sec. 34. NEW SECTION. 321.105A FEE FOR NEW REGISTRATION.

26 2 1. DEFINITIONS. The following terms, when used in this
26 3 section, shall have the following meanings, except in those
26 4 instances where the context clearly indicates otherwise:

26 5 a. "Department" means the department of revenue.

26 6 b. "Director" means the director of revenue.

26 7 c. "Owner" means as defined in section 321.1. For
26 8 purposes of the fee for new registration imposed on leased
26 9 vehicles under subsection 3, "owner" means the "lessor".

26 10 d. "Purchase" means any transfer, exchange, or barter,
26 11 conditional or otherwise, in any manner or by any means
26 12 whatsoever, for consideration.

26 13 2. In addition to the annual registration fee required
26 14 under section 321.105, a "fee for new registration" is imposed
26 15 in the amount of five percent of the purchase price for each
26 16 vehicle subject to registration. The fee for new registration
26 17 shall be paid by the owner of the vehicle to the county
26 18 treasurer at the time application is made for a new
26 19 registration and certificate of title for the vehicle. A new
26 20 registration receipt shall not be issued until the fee has
26 21 been paid. The county treasurer or the department of
26 22 transportation shall require every applicant for a new
26 23 registration receipt for a vehicle subject to registration to
26 24 supply information as the county treasurer or the director
26 25 deems necessary as to the time of purchase, the purchase
26 26 price, and other information relative to the purchase of the
26 27 vehicle. On or before the tenth day of each month, the county
26 28 treasurer or the department of transportation shall remit to
26 29 the department of revenue the amount of the fees for new
26 30 registration collected during the preceding month.

26 31 a. For purposes of this subsection, "purchase price"
26 32 applies to the measure subject to the fee for new
26 33 registration. "Purchase price" shall be determined in the
26 34 same manner as "sales price" is determined for purposes of
26 35 computing the tax imposed upon the sales price of tangible



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27 1 personal property under chapter 423, pursuant to the
27 2 definition in section 423.1, subsection 47, subject to the
27 3 following exemptions:

27 4 (1) Exempted from the purchase price of any vehicle
27 5 subject to registration is the amount of any cash rebate which
27 6 is provided by a motor vehicle manufacturer to the purchaser
27 7 of the vehicle subject to registration so long as the rebate
27 8 is applied to the purchase price of the vehicle.

27 9 (2) (a) In transactions, except those subject to
27 10 subparagraph subdivision (b), in which a vehicle subject to
27 11 registration is traded toward the purchase price of another
27 12 vehicle subject to registration, the purchase price is only
27 13 that portion of the purchase price which is valued in money,
27 14 whether received in money or not, if the following conditions
27 15 are met:

27 16 (i) The vehicle traded to the retailer is the type of
27 17 vehicle normally sold in the regular course of the retailer's
27 18 business.

27 19 (ii) The vehicle traded to the retailer is intended by the
27 20 retailer to be ultimately sold at retail or is intended to be
27 21 used by the retailer or another in the remanufacturing of a
27 22 like vehicle.

27 23 (b) In a transaction between persons, neither of which is
27 24 a retailer of vehicles subject to registration, in which a
27 25 vehicle subject to registration is traded toward the purchase
27 26 price of another vehicle subject to registration, the amount
27 27 of the trade-in value allowed on the vehicle subject to
27 28 registration traded is exempted from the purchase price.

27 29 (c) In order for the trade-in value to be excluded from
27 30 the purchase price, the name or names on the title and
27 31 registration of the vehicle being purchased must be the same
27 32 name or names on the title and registration of the vehicle
27 33 being traded. The following trades qualify under this
27 34 subparagraph subdivision (c):

27 35 (i) A trade involving spouses, if the traded vehicle and



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28 1 the acquired vehicle are titled in the name of one or both of
28 2 the spouses, with no outside party named on the title.
28 3 (ii) A trade involving a grandparent, parent, or child,
28 4 including adopted and step relationships, if the name of one
28 5 of the family members from the title of the traded vehicle is
28 6 also on the title of the newly acquired vehicle.
28 7 (iii) A trade involving a business, if one of the owners
28 8 listed on the title of the traded vehicle is a business, and
28 9 the names on the title are separated by "or".
28 10 (iv) A trade in which the vehicle being purchased is
28 11 titled in the name of an individual other than the owner of
28 12 the traded vehicle due to the cosigning requirements of a
28 13 financial institution.
28 14 (3) Exempted from the purchase price of a replacement
28 15 motor vehicle owned by a motor vehicle dealer licensed under
28 16 chapter 322 which is being registered by that dealer and is
28 17 not otherwise exempt from the fee for new registration is the
28 18 fair market value of a replaced motor vehicle if all of the
28 19 following conditions are met:
28 20 (a) The motor vehicle being registered is being placed in
28 21 service as a replacement motor vehicle for a motor vehicle
28 22 registered by the motor vehicle dealer.
28 23 (b) The motor vehicle being registered is taken from the
28 24 motor vehicle dealer's inventory.
28 25 (c) The fee for new registration on the motor vehicle
28 26 being replaced was paid by the motor vehicle dealer when that
28 27 motor vehicle was registered.
28 28 (d) The replaced motor vehicle is returned to the motor
28 29 vehicle dealer's inventory for sale.
28 30 (e) The application for registration and title of the
28 31 motor vehicle being registered is filed with the county
28 32 treasurer within two weeks of the date the replaced motor
28 33 vehicle is returned to the motor vehicle dealer's inventory.
28 34 (f) The motor vehicle being registered is placed in the
28 35 same or substantially similar service as the replaced motor



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29 1 vehicle.

29 2 b. For purposes of this subsection, the fee for new
29 3 registration on a vehicle registered in this state by the
29 4 manufacturer of that vehicle from a manufacturer's statement
29 5 of origin is calculated on the base value of fifty percent of
29 6 the retail list price of the vehicle.

29 7 c. The following are exempt from the fee for new
29 8 registration imposed under this subsection, as long as a valid
29 9 affidavit is filed with the county treasurer at the time of
29 10 application for registration:

29 11 (1) Entities listed in section 423.3, subsections 17, 18,
29 12 19, 20, 21, 22, 26, 27, 28, 31, and 79, to the extent that
29 13 those entities are exempt from the tax imposed on the sale of
29 14 tangible personal property, consisting of goods, wares, or
29 15 merchandise, sold at retail in the state to consumers or
29 16 users.

29 17 (2) Vehicles as defined in section 321.1, subsections 41,
29 18 64A, 71, 85, and 88, except such vehicles subject to
29 19 registration which are designed primarily for carrying
29 20 persons, when purchased for lease and actually leased to a
29 21 lessee for use outside the state of Iowa and the subsequent
29 22 sole use in Iowa is in interstate commerce or interstate
29 23 transportation.

29 24 (3) (a) Vehicles subject to registration which are
29 25 transferred from a business or individual conducting a
29 26 business within this state as a sole proprietorship,
29 27 partnership, or limited liability company to a corporation
29 28 formed by the sole proprietorship, partnership, or limited
29 29 liability company for the purpose of continuing the business
29 30 when all of the stock of the corporation so formed is owned by
29 31 the sole proprietor and the sole proprietor's spouse, by all
29 32 the partners in the case of a partnership, or by all the
29 33 members in the case of a limited liability company. This
29 34 exemption is equally available where the vehicles subject to
29 35 registration are transferred from a corporation to a sole



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30 1 proprietorship, partnership, or limited liability company
30 2 formed by that corporation for the purpose of continuing the
30 3 business when all of the incidents of ownership are owned by
30 4 the same person or persons who were stockholders of the
30 5 corporation.
30 6 (b) This exemption also applies where the vehicles subject
30 7 to registration are transferred from a corporation as part of
30 8 the liquidation of the corporation to its stockholders if
30 9 within three months of such transfer the stockholders
30 10 retransfer those vehicles subject to registration to a sole
30 11 proprietorship, partnership, or limited liability company for
30 12 the purpose of continuing the business of the corporation when
30 13 all of the incidents of ownership are owned by the same person
30 14 or persons who were stockholders of the corporation.
30 15 (c) This exemption applies to corporations that have been
30 16 in existence for not longer than twenty-four months.
30 17 (4) Vehicles subject to registration which are transferred
30 18 from a corporation that is primarily engaged in the business
30 19 of leasing vehicles subject to registration to a corporation
30 20 that is primarily engaged in the business of leasing vehicles
30 21 subject to registration when the transferor and transferee
30 22 corporations are part of the same controlled group for federal
30 23 income tax purposes.
30 24 (5) (a) Vehicles registered or operated under chapter 326
30 25 and used substantially in interstate commerce. For purposes
30 26 of this subparagraph (5), "substantially in interstate
30 27 commerce" means that a minimum of twenty-five percent of the
30 28 miles operated by the vehicle accrues in states other than
30 29 Iowa. This subparagraph (5) applies only to vehicles which
30 30 are registered for a gross weight of thirteen tons or more.
30 31 (b) For purposes of this subparagraph (5), trailers and
30 32 semitrailers registered or operated under chapter 326 are
30 33 deemed to be used substantially in interstate commerce and to
30 34 be registered for a gross weight of thirteen tons or more.
30 35 (c) For the purposes of this subparagraph (5), if a



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31 1 vehicle meets the requirement that twenty-five percent of the
31 2 miles operated accrues in states other than Iowa in each year
31 3 of the first four-year period of operation, the exemption from
31 4 the fee for new registration shall continue until the vehicle
31 5 is sold or transferred. If the vehicle is found to have not
31 6 met the exemption requirements or the exemption was revoked,
31 7 the value of the vehicle upon which the fee for new
31 8 registration shall be imposed is based on the original
31 9 purchase price if revocation or nonqualification for this
31 10 exemption occurs during the first year following registration.
31 11 If revocation or nonqualification for this exemption occurs
31 12 after the first year following registration, the value of the
31 13 vehicle upon which the fee shall be imposed is the book or
31 14 market value, whichever is less, at the time the exemption
31 15 requirements were not met or the exemption was revoked.

31 16 (6) Vehicles subject to registration in any state when
31 17 purchased for rental or registered and titled by a motor
31 18 vehicle dealer licensed pursuant to chapter 322 for rental
31 19 use, and held for rental for a period of one hundred twenty
31 20 days or more and actually rented for periods of sixty days or
31 21 less by a person regularly engaged in the business of renting
31 22 vehicles including but not limited to motor vehicle dealers
31 23 licensed pursuant to chapter 322 who rent automobiles to
31 24 users, if the rental of the vehicles is subject to taxation
31 25 under chapter 423C.

31 26 (7) Vehicles subject to registration in this state for
31 27 which the applicant for registration has paid to another state
31 28 a state sales, use, or occupational tax. However, if the tax
31 29 paid to another state is less than the fee for new
31 30 registration calculated for the vehicle, the difference shall
31 31 be the amount to be collected as the fee for new registration.

31 32 (8) A vehicle subject to registration in this state which
31 33 is owned by a person who has moved from another state with the
31 34 intention of changing residency to Iowa, provided that the
31 35 vehicle was purchased for use in the state from which the



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32 1 applicant moved and was not, at or near the time of purchase,
32 2 purchased for use in Iowa.

32 3 (9) A vehicle that was previously registered in this state
32 4 and was subsequently registered in another state is not
32 5 subject to the fee for new registration when it is again
32 6 registered in this state, provided that the applicant for
32 7 registration has maintained ownership of the vehicle since its
32 8 initial registration in this state and has previously paid the
32 9 use tax or fee for new registration for the vehicle in this
32 10 state.

32 11 (10) Vehicles transferred by operation of law as provided
32 12 in section 321.47.

32 13 (11) Vehicles for which ownership is transferred to or
32 14 from a revocable or irrevocable trust, if no consideration is
32 15 present.

32 16 (12) Vehicles transferred to the surviving corporation for
32 17 no consideration as a result of a corporate merger according
32 18 to the laws of this state in which the merging corporation is
32 19 immediately extinguished and dissolved.

32 20 (13) Vehicles purchased in this state by a nonresident for
32 21 removal to the nonresident's state of residence if the
32 22 purchaser applies to the county treasurer for a transit plate
32 23 under section 321.109.

32 24 (14) Vehicles purchased by a licensed motor vehicle dealer
32 25 for resale.

32 26 (15) Homemade vehicles built from parts purchased at
32 27 retail, upon which the consumer paid a tax to the seller, but
32 28 only on such vehicles never before registered. This exemption
32 29 does not apply for vehicles subject to registration which are
32 30 made by a manufacturer engaged in the business for purpose of
32 31 sales or rental.

32 32 (16) Vehicles title under a salvage certificate of title.
32 33 However, when such a vehicle has been repaired and a regular
32 34 certificate of title is applied for, the fee for new
32 35 registration is due as follows:



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33 1 (a) If the owner of the vehicle is a licensed recycler,
33 2 unless the applicant is licensed as a vehicle dealer, the fee
33 3 for new registration applies based on the fair market value of
33 4 the vehicle, with deduction allowed for the cost of parts,
33 5 supplies, and equipment for which sales tax was paid and which
33 6 were used to rebuild the vehicle.

33 7 (b) If the owner is a person who is not licensed as a
33 8 recycler or vehicle dealer, the fee for new registration
33 9 applies based on the fair market value of the vehicle, with
33 10 deduction allowed for the cost of parts, frames, chassis, auto
33 11 bodies, or supplies that were purchased to rebuild the vehicle
33 12 and for which sales tax was paid.

33 13 (17) A vehicle delivered to a resident Native American
33 14 Indian on the reservation.

33 15 (18) A vehicle transferred from one individual to another
33 16 as a gift in a transaction in which no consideration is
33 17 present.

33 18 (19) A vehicle given by a corporation as a gift to a
33 19 retiring employee.

33 20 (20) A vehicle sold by an entity where the profits from
33 21 the sale are used by or donated to a nonprofit entity which is
33 22 exempt from federal income taxation pursuant to section
33 23 501(c)(3) of the Internal Revenue Code, a government entity,
33 24 or a nonprofit private educational institution, and where the
33 25 entire proceeds from the sale of the vehicle are expended for
33 26 any of the following purposes:

33 27 (a) Educational.

33 28 (b) Religious.

33 29 (c) Charitable. A charitable act is an act done out of
33 30 goodwill, benevolence, and a desire to add to or to improve
33 31 the good of humankind in general or any class or portion of
33 32 humankind, with no pecuniary profit inuring to the person
33 33 performing the service or giving the gift.

33 34 (21) A vehicle given or sold to be subsequently awarded as
33 35 a raffle prize under chapter 99B.



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34 1 (22) A vehicle won as a raffle prize under chapter 99B.

34 2 (23) A vehicle that is directly and primarily used in the
34 3 recycling or reprocessing of waste products.

34 4 (24) Vehicles purchased by a person who will rebuild those
34 5 vehicles into ambulances, rescue, or fire vehicles, provided
34 6 the person is a licensed wholesaler of new motor vehicles.

34 7 (25) A vehicle repossessed by a vehicle dealer pursuant to
34 8 the uniform commercial code, chapter 554, provided there is a
34 9 valid lien on the title and the dealer anticipates reselling
34 10 the vehicle.

34 11 (26) A vehicle repossessed by a financial institution or
34 12 an individual by means of a foreclosure affidavit pursuant to
34 13 the uniform commercial code, chapter 554, provided there is a
34 14 valid lien on the vehicle and the foreclosure affidavit is
34 15 used for the sole purpose of retaining possession of the
34 16 vehicle until a new buyer is found. However, if the financial
34 17 institution or individual uses the foreclosure affidavit to
34 18 take title to the vehicle and register the vehicle, the new
34 19 registration fee shall be due based on the outstanding loan
34 20 amount on the vehicle.

34 21 (27) A damaged vehicle acquired by an insurance company
34 22 from a client or financial institution, provided the insurance
34 23 company has a vehicle dealers license.

34 24 (28) A vehicle returned to a manufacturer and titled in
34 25 the manufacturer's name under section 322G.12.

34 26 (29) A vehicle purchased directly by a federal, state, or
34 27 local governmental agency and titled in an individual's name
34 28 pursuant to a governmental program authorized by law.

34 29 3. LEASED VEHICLES.

34 30 a. A fee for new registration is imposed in an amount
34 31 equal to five percent of the leased price for each vehicle
34 32 subject to registration with a gross vehicle weight rating of
34 33 less than sixteen thousand pounds, excluding motorcycles and
34 34 motorized bicycles, which is leased by a lessor licensed
34 35 pursuant to chapter 321F for a period of twelve months or



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35 1 more. The fee for new registration shall be paid by the owner
35 2 of the vehicle to the county treasurer from whom the
35 3 registration receipt or certificate of title is obtained. A
35 4 registration receipt for a vehicle subject to registration or
35 5 issuance of a certificate of title shall not be issued until
35 6 the fee for new registration is paid in the initial instance.

35 7 b. The amount of the lease price subject to the fee for
35 8 new registration shall be computed on each separate lease
35 9 transaction by taking the total of the lease payments, plus
35 10 the down payment, and excluding the following charges, if
35 11 included as part of the lease payment:

35 12 (1) Title fee.

35 13 (2) Annual registration fees.

35 14 (3) Fee for new registration.

35 15 (4) Federal excise taxes attributable to the sale of the
35 16 vehicle to the owner or to the lease of the vehicle by the
35 17 owner.

35 18 (5) Optional service or warranty contracts subject to tax
35 19 pursuant to section 423.2, subsection 1.

35 20 (6) Insurance.

35 21 (7) Manufacturer's rebate.

35 22 (8) Refundable deposit.

35 23 (9) Finance charges, if any, on items listed in
35 24 subparagraphs (1) through (8).

35 25 c. If any or all of the items in paragraph "b",
35 26 subparagraphs (1) through (8), are excluded from the lease
35 27 price subject to the fee for new registration, the owner shall
35 28 maintain adequate records of the amounts of those items. If
35 29 the parties to a lease enter into an agreement providing that
35 30 the fee for new registration is to be paid by the lessee or
35 31 included in the monthly lease payments to be paid by the
35 32 lessee, the total cost of the fee for new registration shall
35 33 not be included in the computation of the lease price for the
35 34 purpose of the fee for new registration under this section.
35 35 The county treasurer or the department of transportation shall



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36 1 require every applicant for a registration receipt for a
36 2 vehicle subject to a fee for new registration to supply
36 3 information as the county treasurer or the director deems
36 4 necessary as to the date of the lease transaction, the lease
36 5 price, and other information relative to the lease of the
36 6 vehicle.

36 7 d. On or before the tenth day of each month, the county
36 8 treasurer or the department of transportation shall remit to
36 9 the department of revenue the amount of the fees for new
36 10 registration collected during the preceding month.

36 11 e. If the lease is terminated prior to the termination
36 12 date contained in the lease agreement, no refund shall be
36 13 allowed for a fee for new registration previously paid under
36 14 this section, except as provided in section 322G.4.

36 15 4. ADMINISTRATION AND ENFORCEMENT == DIRECTOR OF REVENUE.

36 16 a. The director of revenue in consultation with the
36 17 department of transportation shall administer and enforce the
36 18 fee for new registration as nearly as possible in conjunction
36 19 with the administration and enforcement of the state use tax
36 20 law, except that portion of the law which implements the
36 21 streamlined sales and use tax agreement. The director shall
36 22 provide appropriate forms, or provide on the annual
36 23 registration forms provided by the department of
36 24 transportation, for reporting the fee for new registration
36 25 liability.

36 26 b. Section 422.25, subsection 4, sections 422.30, 422.67,
36 27 and 422.68, section 422.69, subsection 1, sections 422.70,
36 28 422.71, 422.72, 422.74, and 422.75, section 423.14, subsection
36 29 2, and sections 423.23, 423.24, 423.25, 423.32, 423.33,
36 30 423.35, 423.37 through 423.42, 423.45, and 423.47, consistent
36 31 with the provisions of this section, apply with respect to the
36 32 fees for new registration authorized under this section in the
36 33 same manner and with the same effect as if the fees for new
36 34 registration were retail use taxes within the meaning of those
36 35 statutes.



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37 1 5. COLLECTIONS BY LICENSED DEALERS.
37 2 a. A licensed vehicle dealer maintaining a place of
37 3 business in this state who sells a vehicle subject to
37 4 registration for use in this state shall collect the fee for
37 5 new registration at the time of making the sale. A dealer
37 6 required to collect the fee for new registration shall give to
37 7 the purchaser a receipt for the fee in the manner and form
37 8 prescribed by the director. Fees collected by a dealer under
37 9 this section shall be forwarded to the county treasurer in the
37 10 same manner as annual registration fees.
37 11 b. If an amount of the fee for new registration
37 12 represented by a dealer to the purchaser of a vehicle is
37 13 computed upon a purchase price that is not subject to the fee
37 14 for new registration or the amount represented is in excess of
37 15 the actual amount subject to the fee and the amount
37 16 represented is actually paid by the purchaser to the dealer,
37 17 the excess amount of fee for new registration paid shall be
37 18 returned to the purchaser upon notification to the dealer by
37 19 the department that an excess payment exists.
37 20 c. If an amount of the fee for new registration
37 21 represented by a dealer to a purchaser is computed upon a
37 22 purchase price that is not subject to the fee for new
37 23 registration or the amount represented is in excess of the
37 24 actual amount subject to the fee and the amount represented is
37 25 actually paid by the purchaser to the dealer, the excess
37 26 amount of fee for new registration paid shall be returned to
37 27 the purchaser upon proper notification to the dealer by the
37 28 purchaser that an excess payment exists. "Proper"
37 29 notification is written notification which allows a dealer at
37 30 least sixty days to respond and which contains enough
37 31 information to allow a dealer to determine the validity of a
37 32 purchaser's claim that an excess amount of fee for new
37 33 registration has been paid. No cause of action shall accrue
37 34 against a dealer for excess fee for new registration paid
37 35 until sixty days after proper notice has been given the dealer



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38 1 by the purchaser.

38 2 d. In the circumstances described in paragraphs "b" and
38 3 "c", a dealer has the option to either return any excess
38 4 amount of fee for new registration paid to a purchaser, or to
38 5 remit the amount which a purchaser has paid to the dealer to
38 6 the department.

38 7 6. REFUNDS.

38 8 a. A fee for new registration is not refundable, except in
38 9 the following circumstances:

38 10 (1) If a vehicle is sold and later returned to the seller
38 11 and the entire purchase price is refunded by the seller, the
38 12 purchaser is entitled to a refund of the fee for new
38 13 registration paid. To obtain a refund, the purchaser shall
38 14 make application on forms provided by the department and show
38 15 proof that the entire purchase price was returned and that the
38 16 fee for new registration had been paid.

38 17 (2) If a vehicle manufacturer reimburses a purchaser for
38 18 the fee for new registration paid on a returned defective
38 19 vehicle, the manufacturer may obtain a refund from the
38 20 department by providing proof that the fee was paid and the
38 21 purchaser reimbursed in accordance with the provisions of
38 22 chapter 322G.

38 23 (3) If the department determines that, as a result of
38 24 mistake, an amount of the fee for new registration has been
38 25 paid which was not due, such amount shall be refunded to the
38 26 vehicle owner by the department.

38 27 b. A claim for refund under this subsection that has not
38 28 been filed with the department within three years after the
38 29 fee for new registration was paid shall not be allowed by the
38 30 director.

38 31 7. PENALTY FOR FALSE STATEMENT. A person who willfully
38 32 makes a false statement in regard to the purchase price of a
38 33 vehicle subject to a fee for new registration is guilty of a
38 34 fraudulent practice. A person who willfully makes a false
38 35 statement in regard to the purchase price of such a vehicle



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39 1 with the intent to evade payment of the fee for new
39 2 registration shall be assessed a penalty of seventy-five
39 3 percent of the amount of the fee unpaid and required to be
39 4 paid on the actual purchase price less trade-in allowance.

39 5 PART 3

39 6 MOTOR VEHICLE USE TAX == REPEAL

39 7 Sec. 35. Section 423.6, subsections 8, 10, 11, 12, 16, 17,
39 8 18, 24, and 25, Code 2007, are amended by striking the
39 9 subsections.

39 10 Sec. 36. Section 423.14, subsection 2, paragraph a, Code
39 11 2007, is amended to read as follows:

39 12 a. The tax upon the use of all vehicles ~~subject to~~
~~39 13 registration or~~ subject only to the issuance of a certificate
39 14 of title or the tax upon the use of manufactured housing shall
39 15 be collected by the county treasurer or the state department
39 16 of transportation pursuant to ~~sections~~ section 423.26 and
~~39 17 423.27, subsection 1.~~ The county treasurer shall retain one
39 18 dollar from each tax payment collected, to be credited to the
39 19 county general fund.

39 20 Sec. 37. Section 423.26, Code 2007, is amended to read as
39 21 follows:

39 22 423.26 VEHICLES SUBJECT TO REGISTRATION OR ONLY TO THE
39 23 ISSUANCE OF TITLE == MANUFACTURED HOUSING == VEHICLE LEASE
39 24 TRANSACTIONS NOT REQUIRING TITLE OR REGISTRATION.

39 25 1. a. The use tax imposed upon the use of vehicles
39 26 ~~subject to registration or~~ subject only to the issuance of a
39 27 certificate of title or imposed upon the use of manufactured
39 28 housing shall be paid by the owner of the vehicle or of the
39 29 manufactured housing to the county treasurer or the state
39 30 department of transportation from whom the ~~registration~~
~~39 31 receipt or~~ certificate of title is obtained. A ~~registration~~
~~39 32 receipt for a vehicle subject to registration or~~ certificate
39 33 of title shall not be issued until the tax has been paid. The
39 34 county treasurer or the state department of transportation
39 35 shall require every applicant for a ~~registration receipt for a~~



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~~40 1 vehicle subject to registration or certificate of title to~~
40 2 supply information as the county treasurer or the director
40 3 deems necessary as to the time of purchase, the purchase
40 4 price, installed purchase price, and other information
40 5 relative to the purchase of the vehicle or manufactured
40 6 housing. On or before the tenth day of each month, the county
40 7 treasurer or the state department of transportation shall
40 8 remit to the department the amount of the taxes collected
40 9 during the preceding month.

40 10 b. A person who willfully makes a false statement in
40 11 regard to the purchase price of a vehicle subject to taxation
40 12 under this ~~section~~ subsection is guilty of a fraudulent
40 13 practice. A person who willfully makes a false statement in
40 14 regard to the purchase price of such a vehicle with the intent
40 15 to evade the payment of tax shall be assessed a penalty of
40 16 seventy-five percent of the amount of tax unpaid and required
40 17 to be paid on the actual purchase price less trade-in
40 18 allowance.

40 19 2. a. The use tax imposed upon the use of leased vehicles
40 20 if the lease transaction does not require titling or
40 21 registration of the vehicle shall be remitted to the
40 22 department. Tax and the reporting of tax due to the
40 23 department shall be remitted on or before fifteen days from
40 24 the last day of the month that the tax becomes due. Failure
40 25 to timely report or remit any of the tax when due shall result
40 26 in a penalty and interest being imposed on the tax due
40 27 pursuant to section 423.40, subsection 1, and section 423.42,
40 28 subsection 1.

40 29 b. The amount subject to tax shall be computed on each
40 30 separate lease transaction by taking the total of the lease
40 31 payments, plus the down payment, and excluding all of the
40 32 following:

- 40 33 (1) Title fee.
- 40 34 (2) Registration fees.
- 40 35 (3) Use tax pursuant to this subsection.



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41 1 (4) Federal excise taxes attributable to the sale of the
41 2 vehicle to the owner or to the lease of the vehicle by the
41 3 owner.

41 4 (5) Optional service or warranty contracts subject to tax
41 5 pursuant to section 423.2, subsection 1.

41 6 (6) Insurance.

41 7 (7) Manufacturer's rebate.

41 8 (8) Refundable deposit.

41 9 (9) Finance charges, if any, on items listed in
41 10 subparagraphs (1) through (8).

41 11 c. If any or all of the items in paragraph "b",
41 12 subparagraphs (1) through (8) are excluded from the taxable
41 13 lease price, the owner shall maintain adequate records of the
41 14 amounts of those items. If the parties to a lease enter into
41 15 an agreement providing that the tax imposed under this
41 16 subsection is to be paid by the lessee or included in the
41 17 monthly lease payments to be paid by the lessee, the total
41 18 cost of the tax shall not be included in the computation of
41 19 lease price for the purpose of taxation under this subsection.

41 20 Sec. 38. Section 423.43, Code Supplement 2007, is amended
41 21 by striking the section and inserting in lieu thereof the
41 22 following:

41 23 423.43 DEPOSIT OF REVENUES.

41 24 1. Except as provided in subsection 2, all revenue arising
41 25 under the operation of the use tax under subchapter III shall
41 26 be deposited into the general fund of the state.

41 27 2. All revenue derived from the use tax imposed pursuant
41 28 to section 423.26 shall be deposited into the road use tax
41 29 fund.

41 30 Sec. 39. Section 423.27, Code 2007, is repealed.

41 31 PART 4

41 32 CONFORMING AMENDMENTS

41 33 Sec. 40. Section 29A.101A, subsection 5, Code Supplement
41 34 2007, is amended to read as follows:

41 35 5. Rents or lease amounts unpaid for the period preceding



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42 1 the effective date of the lease termination shall be paid on a
42 2 prorated basis. In the case of a vehicle lease, the lessor
42 3 shall not impose an early termination charge, but any ~~taxes,~~
42 4 summonses, ~~and~~ title and registration fees, including the fee
42 5 for new registration, and any other obligation and liability
42 6 of the lessee in accordance with the terms of the lease,
42 7 including reasonable charges to the lessee for excess wear,
42 8 use, and mileage, that are due and unpaid at the time of
42 9 termination of the lease shall be paid by the lessee.

42 10 Sec. 41. Section 321.17, Code 2007, is amended to read as
42 11 follows:

42 12 321.17 MISDEMEANOR TO VIOLATE REGISTRATION PROVISIONS.

42 13 It is a simple misdemeanor punishable as a scheduled
42 14 violation under section 805.8A, subsection 2, paragraph "b",
42 15 for any person to drive or move or for an owner knowingly to
42 16 permit to be driven or moved upon the highway a vehicle of a
42 17 type required to be registered under this chapter which is not
42 18 registered, or for which the appropriate ~~fee has~~ fees have not
42 19 been paid, except as provided in section 321.109, subsection
42 20 3.

42 21 Sec. 42. Section 321.19, subsection 1, unnumbered
42 22 paragraph 1, Code 2007, is amended to read as follows:

42 23 All vehicles owned or leased for a period of sixty days or
42 24 more by the government and used in the transaction of official
42 25 business by the representatives of foreign governments or by
42 26 officers, boards, or departments of the government of the
42 27 United States, and by the state, counties, municipalities and
42 28 other political subdivisions of the state including vehicles
42 29 used by an urban transit company operated by a municipality or
42 30 a regional transit system, and self-propelling vehicles used
42 31 neither for the conveyance of persons for hire, pleasure, or
42 32 business nor for the transportation of freight other than
42 33 those used by an urban transit company operated by a
42 34 municipality or a regional transit system, all fire trucks,
42 35 providing they are not owned and operated for a pecuniary



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43 1 profit, and authorized emergency vehicles used only in
43 2 disaster relief owned and operated by an organization not
43 3 operated for pecuniary profit, are exempted from the payment
43 4 of the registration fees imposed by this chapter, except as
43 5 provided for urban transit companies in subsection 2, but are
43 6 not exempt from the penalties provided in this chapter.

43 7 Sec. 43. Section 321.20, subsection 1, paragraph a, Code
43 8 2007, is amended to read as follows:

43 9 a. The full legal name; social security number or Iowa
43 10 driver's license number or Iowa nonoperator's identification
43 11 card number; date of birth; bona fide residence; and mailing
43 12 address of the owner and of the lessee if the vehicle is being
43 13 leased. If the owner or lessee is a firm, association, or
43 14 corporation, the application shall contain the bona fide
43 15 business address and federal employer identification number of
43 16 the owner or lessee. Up to three owners' names may be listed
43 17 on the application. If the vehicle is a leased vehicle, the
43 18 application shall state whether the notice of registration
43 19 renewal shall be sent to the lessor or to the lessee and
43 20 whether the lessor or the lessee shall receive the
43 21 ~~registration fee~~ refund of the annual registration fee, if
43 22 any. Information relating to the lessee of a vehicle shall
43 23 not be required on an application for registration and a
43 24 certificate of title for a vehicle with a gross vehicle weight
43 25 rating of ten thousand pounds or more.

43 26 Sec. 44. Section 321.20, subsection 1, paragraph e, Code
43 27 2007, is amended to read as follows:

43 28 e. The amount of the fee for new registration to be paid
43 29 under section 321.105A or the amount of tax to be paid under
43 30 section 423.26, subsection 1.

43 31 Sec. 45. Section 321.20A, Code 2007, is amended to read as
43 32 follows:

43 33 321.20A CERTIFICATE OF TITLE AND REGISTRATION FEES ==
43 34 COMMERCIAL VEHICLES.

43 35 1. Notwithstanding other provisions of this chapter, the



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44 1 owner of a commercial vehicle subject to the proportional
44 2 registration provisions of chapter 326 may make application to
44 3 the department or the appropriate county treasurer for a
44 4 certificate of title. The application for certificate of
44 5 title shall be made within thirty days of purchase or transfer
44 6 and shall be accompanied by a ten dollar title fee and the
44 7 appropriate ~~use tax~~ fee for new registration. The department
44 8 or the county treasurer shall deliver the certificate of title
44 9 to the owner if there is no security interest. If there is a
44 10 security interest, the title, when issued, shall be delivered
44 11 to the first secured party. Delivery may be made using
44 12 electronic means.

44 13 2. An owner of more than fifty commercial vehicles subject
44 14 to the proportional registration provisions of chapter 326 who
44 15 is issued a certificate of title under this section shall not
44 16 be subject to annual registration fees until the commercial
44 17 vehicle is driven or moved upon the highways. The annual
44 18 registration fee due shall be prorated for the remaining
44 19 unexpired months of the registration year. Ownership of the
44 20 commercial vehicle shall not be transferred until annual
44 21 registration fees have been paid to the department.

44 22 Sec. 46. Section 321.23, subsection 3, Code 2007, is
44 23 amended to read as follows:

44 24 3. In the event an applicant for registration of a foreign
44 25 vehicle for which a certificate of title has been issued is
44 26 able to furnish evidence of being the registered owner of the
44 27 vehicle to the county treasurer of the owner's residence,
44 28 although unable to surrender such certificate of title, the
44 29 county treasurer may issue a registration receipt and plates
44 30 upon receipt of the required annual registration fee and the
44 31 fee for new registration fee but shall not issue a certificate
44 32 of title thereto. Upon surrender of the certificate of title
44 33 from the foreign state, the county treasurer shall issue a
44 34 certificate of title to the owner, or person entitled thereto,
44 35 of such vehicle as provided in this chapter. The owner of a



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45 1 vehicle registered under this subsection shall not be required
45 2 to obtain a certificate of title in this state and may
45 3 transfer ownership of the vehicle to a motor vehicle dealer
45 4 licensed under chapter 322 if, at the time of the transfer,
45 5 the certificate of title is held by a secured party and the
45 6 dealer has forwarded to the secured party the sum necessary to
45 7 discharge the security interest pursuant to section 321.48,
45 8 subsection 1.

45 9 Sec. 47. Section 321.24, subsections 1, 3, and 10, Code
45 10 Supplement 2007, are amended to read as follows:

45 11 1. Upon receipt of the application for title and payment
45 12 of the required fees for a motor vehicle, trailer, or
45 13 semitrailer, the county treasurer or the department shall,
45 14 when satisfied as to the application's genuineness and
45 15 regularity, and, in the case of a mobile home or manufactured
45 16 home, that taxes are not owing under chapter 423 or 435, issue
45 17 a certificate of title and, except for a mobile home or
45 18 manufactured home, a registration receipt, and shall file the
45 19 application, the manufacturer's or importer's certificate, the
45 20 certificate of title, or other evidence of ownership, as
45 21 prescribed by the department. The registration receipt shall
45 22 be delivered to the owner and shall contain upon its face the
45 23 date issued, the name and address of the owner, the
45 24 registration number assigned to the vehicle, the amount of the
45 25 fee paid, ~~the amount of tax paid pursuant to section 423.26,~~
45 26 the type of fuel used, a description of the vehicle as
45 27 determined by the department, and a form for notice of
45 28 transfer of the vehicle. The name and address of any lessee
45 29 of the vehicle shall not be printed on the registration
45 30 receipt or certificate of title. Up to three owners may be
45 31 listed on the registration receipt and certificate of title.

45 32 3. The certificate of title shall contain upon its face
45 33 the identical information required upon the face of the
45 34 registration receipt. In addition, the certificate of title
45 35 shall contain a statement of the owner's title, the title



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46 1 number assigned to the owner or owners of the vehicle, ~~the~~
~~46 2 amount of tax paid pursuant to section 423.26,~~ the name and
46 3 address of the previous owner, and a statement of all security
46 4 interests and encumbrances as shown in the application, upon
46 5 the vehicle described, including the nature of the security
46 6 interest, date of perfection, and name and address of the
46 7 secured party.

46 8 10. A vehicle shall be registered for the registration
46 9 year. A vehicle registered for the first time in this state
46 10 shall be registered for the remaining unexpired months of the
46 11 registration year and pay ~~a~~ an annual registration fee
46 12 prorated for the remaining unexpired months of the
46 13 registration year plus a fee for new registration if
46 14 applicable pursuant to section 321.105A. Except for a vehicle
46 15 registered under chapter 326, a vehicle registered for the
46 16 first time during the eleventh month of the owner's
46 17 registration year may be registered for the remaining
46 18 unexpired months of the registration year as provided in this
46 19 paragraph or for the remaining unexpired months of the
46 20 registration year and for the next registration year, upon
46 21 payment of the applicable registration fees.

46 22 Sec. 48. Section 321.26, subsection 2, Code 2007, is
46 23 amended to read as follows:

46 24 2. The county treasurer may adjust the renewal or
46 25 expiration date of vehicles when deemed necessary to equalize
46 26 the number of vehicles registered in each twelve-month period
46 27 or for the administrative efficiency of the county treasurer's
46 28 office. The adjustment shall be accomplished by delivery of a
46 29 written notice to the vehicle owner of the adjustment and
46 30 allowance of a credit for the remaining months of the unused
46 31 portion of the annual registration fee, rounded to the nearest
46 32 whole dollar, which amount shall be deducted from the annual
46 33 registration fee due at the time of registration. Upon
46 34 receipt of the notification the owner shall, within thirty
46 35 days, surrender the registration card and registration plates



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47 1 to the county treasurer of the county where the vehicle is
47 2 registered, except that the registration plates shall not be
47 3 surrendered if validation stickers or other emblems are used
47 4 to designate the month and year of expiration of registration.
47 5 Upon payment of the annual registration fee, less the credit
47 6 allowed for the remaining months of the unused portion of the
47 7 annual registration fee, the county treasurer shall issue a
47 8 new registration card and registration plates, validation
47 9 stickers, or emblems which indicate the month and year of
47 10 expiration of registration.

47 11 Sec. 49. Section 321.30, subsection 1, paragraphs e and f,
47 12 Code Supplement 2007, are amended to read as follows:

47 13 e. That the required ~~fee has~~ registration fees have not
47 14 been paid except as provided in section 321.48.

47 15 f. ~~That~~ For a vehicle subject only to a certificate of
47 16 title or a manufactured home, that the required use tax has
47 17 not been paid.

47 18 Sec. 50. Section 321.30, subsection 3, paragraph b, Code
47 19 Supplement 2007, is amended to read as follows:

47 20 b. If the applicant for registration of the vehicle has
47 21 failed to pay the required annual registration fees fee or the
47 22 fee for new registration of any vehicle owned or previously
47 23 owned when the ~~registration~~ fee was required to be paid by the
47 24 applicant, and for which vehicle the registration was
47 25 suspended or revoked under section 321.101, subsection 1,
47 26 paragraph "d", or section 321.101A, until the ~~fees are~~ fee is
47 27 paid together with any accrued penalties.

47 28 Sec. 51. Section 321.34, subsection 2, unnumbered
47 29 paragraph 1, Code Supplement 2007, is amended to read as
47 30 follows:

47 31 In lieu of issuing new registration plates each
47 32 registration year for a vehicle renewing registration, the
47 33 department may reassign the registration plates previously
47 34 issued to the vehicle and may adopt and prescribe an annual
47 35 validation sticker indicating payment of annual registration



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48 1 fees. The department shall issue one validation sticker for
48 2 each set of registration plates. The sticker shall specify
48 3 the month and year of expiration of the registration plates.
48 4 The sticker shall be displayed only on the rear registration
48 5 plate, except that the sticker shall be displayed on the front
48 6 registration plate of a truck tractor.

48 7 Sec. 52. Section 321.34, subsection 5, paragraphs b and c,
48 8 Code Supplement 2007, is amended to read as follows:

48 9 b. The county treasurer shall validate personalized
48 10 registration plates in the same manner as regular registration
48 11 plates are validated under this section at an annual fee of
48 12 five dollars in addition to the regular annual registration
48 13 fee. A person renewing a personalized registration plate
48 14 within one month following the time requirements under section
48 15 321.40 may renew the personalized plate without paying the
48 16 additional registration fee under paragraph "a" but shall pay
48 17 the five-dollar fee in addition to the regular annual
48 18 registration fee and any penalties subject to regular
48 19 registration plate holders for late renewal.

48 20 c. The fees collected by the director under this ~~section~~
48 21 subsection shall be paid to the treasurer of state and
48 22 credited by the treasurer of state as provided in section
48 23 321.145.

48 24 Sec. 53. Section 321.34, subsection 7, paragraph c, Code
48 25 Supplement 2007, is amended to read as follows:

48 26 c. (1) The fees for a collegiate registration plate are
48 27 as follows:

48 28 ~~(1)~~ (a) A registration fee of twenty-five dollars.

48 29 ~~(2)~~ (b) A special collegiate registration fee of
48 30 twenty-five dollars.

48 31 (2) These fees are in addition to the regular annual
48 32 registration fee. The fees collected by the director under
48 33 this subsection shall be paid monthly to the treasurer of
48 34 state and ~~credited by the treasurer of state to deposited in~~
48 35 the road use tax fund. ~~Notwithstanding section 423.43 and~~



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~~49 1 prior to the revenues being credited to the road use tax fund~~
~~49 2 under section 423.43, subsection 1, paragraph "b", the The~~
~~49 3 treasurer of state shall credit monthly from ~~those revenues~~~~
~~49 4 respectively the revenues available for purposes of this~~
~~49 5 subsection under section 321.145, subsection 2, to Iowa state~~
~~49 6 university of science and technology, the university of~~
~~49 7 northern Iowa, and the state university of Iowa respectively,~~
~~49 8 the amount of the special collegiate registration fees~~
~~49 9 collected in the previous month for collegiate registration~~
~~49 10 plates designed for the university. The moneys credited are~~
~~49 11 appropriated to the respective universities to be used for~~
~~49 12 scholarships for students attending the universities.~~
~~49 13 Sec. 54. Section 321.34, subsection 10, paragraph c, Code~~
~~49 14 Supplement 2007, is amended to read as follows:~~
~~49 15 c. The special fees collected by the director under this~~
~~49 16 subsection shall be paid monthly to the treasurer of state and~~
~~49 17 credited to deposited in the road use tax fund.~~
~~49 18 ~~Notwithstanding section 423.43, and prior to the crediting of~~~~
~~49 19 ~~revenues to the road use tax fund under section 423.43,~~~~
~~49 20 ~~subsection 1, paragraph "b", the The treasurer of state shall~~~~
~~49 21 ~~transfer monthly from ~~those revenues~~ the revenues available~~~~
~~49 22 ~~for purposes of this subsection under section 321.145,~~~~
~~49 23 ~~subsection 2, to the Paul Ryan memorial fire fighter safety~~~~
~~49 24 ~~training fund created pursuant to section 100B.12 the amount~~~~
~~49 25 ~~of the special fees collected in the previous month for the~~~~
~~49 26 ~~fire fighter plates.~~~~
~~49 27 Sec. 55. Section 321.34, subsection 10A, paragraph b, Code~~
~~49 28 Supplement 2007, is amended to read as follows:~~
~~49 29 b. The special fees collected by the director under this~~
~~49 30 subsection shall be paid monthly to the treasurer of state and~~
~~49 31 credited to deposited in the road use tax fund.~~
~~49 32 ~~Notwithstanding section 423.43, and prior to the crediting of~~~~
~~49 33 ~~revenues to the road use tax fund under section 423.43,~~~~
~~49 34 ~~subsection 1, paragraph "b", the The treasurer of state shall~~~~
~~49 35 ~~transfer monthly from ~~those revenues~~ the revenues available~~~~



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50 1 for purposes of this subsection under section 321.145,
50 2 subsection 2, to the emergency medical services fund created
50 3 in section 135.25 the amount of the special fees collected in
50 4 the previous month for issuance of emergency medical services
50 5 plates.
50 6 Sec. 56. Section 321.34, subsection 11, paragraph c, Code
50 7 Supplement 2007, is amended to read as follows:
50 8 c. (1) The special natural resources fee for letter
50 9 number designated natural resources plates is forty-five
50 10 dollars. The fee for personalized natural resources plates is
50 11 forty-five dollars which shall be paid in addition to the
50 12 special natural resources fee of forty-five dollars. The fees
50 13 collected by the director under this subsection shall be paid
50 14 monthly to the treasurer of state and ~~credited to deposited in~~
50 15 ~~the road use tax fund. Notwithstanding section 423.43, and~~
~~50 16 prior to the crediting of revenues to the road use tax fund~~
~~50 17 under section 423.43, subsection 1, paragraph "b", the~~ The
50 18 treasurer of state shall credit monthly from ~~those revenues~~
50 19 the revenues available for purposes of this subsection under
50 20 section 321.145, subsection 2, to the Iowa resources
50 21 enhancement and protection fund created pursuant to section
50 22 455A.18, the amount of the special natural resources fees
50 23 collected in the previous month for the natural resources
50 24 plates.
50 25 (2) From the moneys credited to the Iowa resources
50 26 enhancement and protection fund under ~~this paragraph "c",~~
50 27 subparagraph (1), ten dollars of the fee collected for each
50 28 natural resources plate issued, and fifteen dollars from each
50 29 renewal fee, shall be allocated to the department of natural
50 30 resources wildlife bureau to be used for nongame wildlife
50 31 programs.
50 32 Sec. 57. Section 321.34, subsection 11A, paragraph c, Code
50 33 Supplement 2007, is amended to read as follows:
50 34 c. The special fee for letter number designated love our
50 35 kids plates is thirty-five dollars. The fee for personalized



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51 1 love our kids plates is twenty=five dollars, which shall be
51 2 paid in addition to the special love our kids fee of
51 3 thirty=five dollars. The fees collected by the director under
51 4 this subsection shall be paid monthly to the treasurer of
51 5 state and ~~credited to~~ deposited in the road use tax fund.
51 6 ~~Notwithstanding section 423.43, and prior to the crediting of~~
~~51 7 revenues to the road use tax fund under section 423.43,~~
~~51 8 subsection 1, paragraph "b", the~~ The treasurer of state shall
51 9 transfer monthly from ~~those revenues~~ the revenues available
51 10 for purposes of this subsection under section 321.145,
51 11 subsection 2, to the Iowa department of public health the
51 12 amount of the special fees collected in the previous month for
51 13 the love our kids plates. Notwithstanding section 8.33,
51 14 moneys transferred under this subsection shall not revert to
51 15 the general fund of the state.

51 16 Sec. 58. Section 321.34, subsection 11B, paragraph c, Code
51 17 Supplement 2007, is amended to read as follows:

51 18 c. The special fee for letter number designated motorcycle
51 19 rider education plates is thirty=five dollars. The fee for
51 20 personalized motorcycle rider education plates is twenty=five
51 21 dollars, which shall be paid in addition to the special
51 22 motorcycle rider education fee of thirty=five dollars. The
51 23 fees collected by the director under this subsection shall be
51 24 paid monthly to the treasurer of state and ~~credited to~~
51 25 deposited in the road use tax fund. ~~Notwithstanding section~~
~~51 26 423.43, and prior to the crediting of revenues to the road use~~
~~51 27 tax fund under section 423.43, subsection 1, paragraph "b",~~
~~51 28 the~~ The treasurer of state shall transfer monthly from ~~those~~
~~51 29 revenues~~ the revenues available for purposes of this
51 30 subsection under section 321.145, subsection 2, to the
51 31 department for use in accordance with section 321.180B,
51 32 subsection 6, the amount of the special fees collected in the
51 33 previous month for the motorcycle rider education plates.

51 34 Sec. 59. Section 321.34, subsection 13, paragraph d, Code
51 35 Supplement 2007, is amended to read as follows:



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52 1 d. A state agency may submit a request to the department
52 2 recommending a special registration plate. The alternate fee
52 3 for letter number designated plates is thirty-five dollars
52 4 with a ten dollar annual special renewal fee. The fee for
52 5 personalized plates is twenty-five dollars which is in
52 6 addition to the alternative fee of thirty-five dollars with an
52 7 annual personalized plate renewal fee of five dollars which is
52 8 in addition to the special renewal fee of ten dollars. The
52 9 alternate fees are in addition to the regular annual
52 10 registration fee. The alternate fees collected under this
52 11 paragraph shall be paid monthly to the treasurer of state and
52 12 ~~credited to deposited in the road use tax fund.~~
52 13 ~~Notwithstanding section 423.43, and prior to the crediting of~~
~~52 14 the revenues to the road use tax fund under section 423.43,~~
~~52 15 subsection 1, paragraph "b", the~~ The treasurer of state shall
52 16 credit monthly from the revenues available for purposes of
52 17 this subsection under section 321.145, subsection 2, the
52 18 amount of the alternate fees collected in the previous month
52 19 to the state agency that recommended the special registration
52 20 plate.
52 21 Sec. 60. Section 321.34, subsection 16, unnumbered
52 22 paragraph 1, Code Supplement 2007, is amended to read as
52 23 follows:
52 24 An owner referred to in subsection 12 who is a member of
52 25 the national guard, as defined in chapter 29A, may, upon
52 26 written application to the department, order special
52 27 registration plates with a national guard processed emblem
52 28 with the emblem designed by the department in cooperation with
52 29 the adjutant general which emblem signifies that the applicant
52 30 is a member of the national guard. The application shall be
52 31 approved by the department in consultation with the adjutant
52 32 general. The special plate fees collected by the director
52 33 under subsection 12, paragraph "a", from the issuance and
52 34 annual validation of letter=number designated and personalized
52 35 national guard plates shall be paid monthly to the treasurer



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53 1 of state and ~~credited to~~ deposited in the road use tax fund.
53 2 ~~Notwithstanding section 423.43, and prior to the crediting of~~
~~53 3 revenues to the road use tax fund under section 423.43,~~
~~53 4 subsection 1, paragraph "b", the~~ The treasurer of state shall
53 5 transfer monthly from ~~those revenues~~ the revenues available
53 6 for purposes of this subsection under section 321.145,
53 7 subsection 2, to the veterans license fee fund created in
53 8 section 35A.11 the amount of the special fees collected in the
53 9 previous month for national guard plates. Special
53 10 registration plates with a national guard processed emblem
53 11 shall be surrendered, as provided in subsection 12, in
53 12 exchange for regular registration plates upon termination of
53 13 the owner's membership in the active national guard.
53 14 Sec. 61. Section 321.34, subsection 17, unnumbered
53 15 paragraph 1, Code Supplement 2007, is amended to read as
53 16 follows:
53 17 An owner referred to in subsection 12 who was at Pearl
53 18 Harbor, Hawaii, as a member of the armed services of the
53 19 United States on December 7, 1941, may, upon written
53 20 application to the department, order special registration
53 21 plates with a Pearl Harbor processed emblem. The emblem shall
53 22 be designed by the department in consultation with service
53 23 organizations. The application is subject to approval by the
53 24 department. The special plate fees collected by the director
53 25 under subsection 12, paragraph "a", from the issuance and
53 26 annual validation of letter=number designated and personalized
53 27 Pearl Harbor plates shall be paid monthly to the treasurer of
53 28 state and ~~credited to~~ deposited in the road use tax fund.
53 29 ~~Notwithstanding section 423.43, and prior to the crediting of~~
~~53 30 revenues to the road use tax fund under section 423.43,~~
~~53 31 subsection 1, paragraph "b", the~~ The treasurer of state shall
53 32 transfer monthly from ~~those revenues~~ the revenues available
53 33 for purposes of this subsection under section 321.145,
53 34 subsection 2, to the veterans license fee fund created in
53 35 section 35A.11 the amount of the special fees collected in the



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54 1 previous month for Pearl Harbor plates.

54 2 Sec. 62. Section 321.34, subsection 18, unnumbered

54 3 paragraph 1, Code Supplement 2007, is amended to read as

54 4 follows:

54 5 An owner referred to in subsection 12 who was awarded a

54 6 purple heart medal by the United States government for wounds

54 7 received in military or naval combat against an armed enemy of

54 8 the United States may, upon written application to the

54 9 department and presentation of satisfactory proof of the award

54 10 of the purple heart medal, order special registration plates

54 11 with a purple heart processed emblem. The design of the

54 12 emblem shall include a representation of a purple heart medal

54 13 and ribbon. The application is subject to approval by the

54 14 department in consultation with the adjutant general. The

54 15 special plate fees collected by the director under subsection

54 16 12, paragraph "a", from the issuance and annual validation of

54 17 letter=number designated and personalized purple heart plates

54 18 shall be paid monthly to the treasurer of state and ~~credited~~

~~54 19 to deposited in the road use tax fund. Notwithstanding~~

~~54 20 section 423.43, and prior to the crediting of revenues to the~~

~~54 21 road use tax fund under section 423.43, subsection 1,~~

~~54 22 paragraph "b", the The~~ treasurer of state shall transfer

54 23 monthly from ~~those revenues~~ the revenues available for

54 24 purposes of this subsection under section 321.145, subsection

54 25 2, to the veterans license fee fund created in section 35A.11

54 26 the amount of the special fees collected in the previous month

54 27 for purple heart plates.

54 28 Sec. 63. Section 321.34, subsection 19, unnumbered

54 29 paragraph 1, Code Supplement 2007, is amended to read as

54 30 follows:

54 31 An owner referred to in subsection 12 who is a retired

54 32 member of the United States armed forces may, upon written

54 33 application to the department and upon presentation of

54 34 satisfactory proof of membership, order special registration

54 35 plates with a United States armed forces retired processed



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55 1 emblem. The emblem shall be designed by the department in
55 2 consultation with service organizations. The application is
55 3 subject to approval by the department. For purposes of this
55 4 subsection, a person is considered to be retired if the person
55 5 is recognized by the United States armed forces as retired
55 6 from the United States armed forces. The special plate fees
55 7 collected by the director under subsection 12, paragraph "a",
55 8 from the issuance and annual validation of letter=number
55 9 designated and personalized armed forces retired plates shall
55 10 be paid monthly to the treasurer of state and ~~credited to~~
55 11 deposited in the road use tax fund. ~~Notwithstanding section~~
~~55 12 423.43, and prior to the crediting of revenues to the road use~~
~~55 13 tax fund under section 423.43, subsection 1, paragraph "b",~~
~~55 14 the~~ The treasurer of state shall transfer monthly from ~~these~~
~~55 15 revenues~~ the revenues available for purposes of this
55 16 subsection under section 321.145, subsection 2, to the
55 17 veterans license fee fund created in section 35A.11 the amount
55 18 of the special fees collected in the previous month for armed
55 19 forces retired plates.

55 20 Sec. 64. Section 321.34, subsection 20, unnumbered
55 21 paragraph 1, Code Supplement 2007, is amended to read as
55 22 follows:

55 23 An owner referred to in subsection 12 who was awarded a
55 24 silver or a bronze star by the United States government, may,
55 25 upon written application to the department and presentation of
55 26 satisfactory proof of the award of the silver or bronze star,
55 27 order special registration plates with a silver or bronze star
55 28 processed emblem. The emblem shall be designed by the
55 29 department in consultation with the adjutant general. The
55 30 special plate fees collected by the director under subsection
55 31 12, paragraph "a", from the issuance and annual validation of
55 32 letter=number designated and personalized silver star and
55 33 bronze star plates shall be paid monthly to the treasurer of
55 34 state and ~~credited to~~ deposited in the road use tax fund.
55 35 ~~Notwithstanding section 423.43, and prior to the crediting of~~



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~~56 1 revenues to the road use tax fund under section 423.43,~~
~~56 2 subsection 1, paragraph "b", the~~ The treasurer of state shall
56 3 transfer monthly from ~~those revenues~~ the revenues available
56 4 for purposes of this subsection under section 321.145,
56 5 subsection 2, to the veterans license fee fund created in
56 6 section 35A.11 the amount of the special fees collected in the
56 7 previous month for silver star and bronze star plates.
56 8 Sec. 65. Section 321.34, subsection 20A, unnumbered
56 9 paragraph 1, Code Supplement 2007, is amended to read as
56 10 follows:
56 11 An owner referred to in subsection 12 who was awarded a
56 12 distinguished service cross, a navy cross, or an air force
56 13 cross by the United States government may, upon written
56 14 application to the department and presentation of satisfactory
56 15 proof of the award, order special registration plates with a
56 16 distinguished service cross, navy cross, or air force cross
56 17 processed emblem. The emblem shall be designed by the
56 18 department in consultation with the adjutant general. The
56 19 special plate fees collected by the director under subsection
56 20 12, paragraph "a", from the issuance and annual validation of
56 21 letter=number designated and personalized distinguished
56 22 service cross, navy cross, and air force cross plates shall be
56 23 paid monthly to the treasurer of state and ~~credited to~~
56 24 deposited in the road use tax fund. ~~Notwithstanding section~~
~~56 25 423.43, and prior to the crediting of revenues to the road use~~
~~56 26 tax fund under section 423.43, subsection 1, paragraph "b",~~
~~56 27 the~~ The treasurer of state shall transfer monthly from ~~those~~
~~56 28 revenues~~ the revenues available for purposes of this
56 29 subsection under section 321.145, subsection 2, to the
56 30 veterans license fee fund created in section 35A.11 the amount
56 31 of the special fees collected in the previous month for
56 32 distinguished service cross, navy cross, and air force cross
56 33 plates.
56 34 Sec. 66. Section 321.34, subsection 20B, unnumbered
56 35 paragraph 1, Code Supplement 2007, is amended to read as



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57 1 follows:

57 2 An owner referred to in subsection 12 who was awarded a
57 3 soldier's medal, a navy and marine corps medal, or an airman's
57 4 medal by the United States government may, upon written
57 5 application to the department and presentation of satisfactory
57 6 proof of the award, order special registration plates with a
57 7 soldier's medal, navy and marine corps medal, or airman's
57 8 medal processed emblem. The emblem shall be designed by the
57 9 department in consultation with the adjutant general. The
57 10 special plate fees collected by the director under subsection
57 11 12, paragraph "a", from the issuance and annual validation of
57 12 letter=number designated and personalized soldier's medal,
57 13 navy and marine corps medal, and airman's medal plates shall
57 14 be paid monthly to the treasurer of state and ~~credited to~~
57 15 deposited in the road use tax fund. ~~Notwithstanding section~~
~~57 16 423.43, and prior to the crediting of revenues to the road use~~
~~57 17 tax fund under section 423.43, subsection 1, paragraph "b",~~
~~57 18 the~~ The treasurer of state shall transfer monthly from ~~those~~
~~57 19 revenues~~ the revenues available for purposes of this
57 20 subsection under section 321.145, subsection 2, to the
57 21 veterans license fee fund created in section 35A.11 the amount
57 22 of the special fees collected in the previous month for
57 23 soldier's medal, navy and marine corps medal, and airman's
57 24 medal plates.

57 25 Sec. 67. Section 321.34, subsection 21, paragraph c, Code
57 26 Supplement 2007, is amended to read as follows:

57 27 c. The special fees collected by the director under this
57 28 subsection shall be paid monthly to the treasurer of state and
57 29 ~~credited to~~ deposited in the road use tax fund.
57 30 ~~Notwithstanding section 423.43, and prior to the crediting of~~
~~57 31 revenues to the road use tax fund under section 423.43,~~
~~57 32 subsection 1, paragraph "b", the~~ The treasurer of state shall
57 33 credit monthly from the revenues available for purposes of
57 34 this subsection under section 321.145, subsection 2, to the
57 35 Iowa heritage fund created under section 303.9A the amount of



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58 1 the special fees collected in the previous month for the Iowa
58 2 heritage plates.

58 3 Sec. 68. Section 321.34, subsection 22, paragraph b, Code
58 4 Supplement 2007, is amended to read as follows:

58 5 b. The special school transportation fee for letter number
58 6 designated education plates is thirty=five dollars. The fee
58 7 for personalized education plates is twenty=five dollars,
58 8 which shall be paid in addition to the special school
58 9 transportation fee of thirty=five dollars. The annual special
58 10 school transportation fee is ten dollars for letter number
58 11 designated registration plates and is fifteen dollars for
58 12 personalized registration plates which shall be paid in
58 13 addition to the regular annual registration fee. The fees
58 14 collected by the director under this subsection shall be paid
58 15 monthly to the treasurer of state and ~~credited to deposited in~~
58 16 the road use tax fund. Notwithstanding section 423.43, and
~~58 17 prior to the crediting of revenues to the road use tax fund~~
~~58 18 under section 423.43, subsection 1, paragraph "b", the~~ The
58 19 treasurer of state shall transfer monthly from ~~those revenues~~
58 20 the revenues available for purposes of this subsection under
58 21 section 321.145, subsection 2, to the school budget review
58 22 committee in accordance with section 257.31, subsection 17,
58 23 the amount of the special school transportation fees collected
58 24 in the previous month for the education plates.

58 25 Sec. 69. Section 321.34, subsection 23, paragraph c, Code
58 26 Supplement 2007, is amended to read as follows:

58 27 c. The special fee for letter number designated breast
58 28 cancer awareness plates is thirty=five dollars. The fee for
58 29 personalized breast cancer awareness plates is twenty=five
58 30 dollars, which shall be paid in addition to the special breast
58 31 cancer awareness fee of thirty=five dollars. The fees
58 32 collected by the director under this subsection shall be paid
58 33 monthly to the treasurer of state and ~~credited to deposited in~~
58 34 the road use tax fund. Notwithstanding section 423.43, and
~~58 35 prior to the crediting of revenues to the road use tax fund~~



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~~59 1 under section 423.43, subsection 1, paragraph "b", the The~~
59 2 treasurer of state shall transfer monthly from ~~those revenues~~
59 3 the revenues available for purposes of this subsection under
59 4 section 321.145, subsection 2, to the Iowa department of
59 5 public health the amount of the special fees collected in the
59 6 previous month for the breast cancer awareness plates and such
59 7 funds are appropriated to the Iowa department of public
59 8 health. The Iowa department of public health shall distribute
59 9 one hundred percent of the funds received monthly in the form
59 10 of grants to support breast cancer screenings for both men and
59 11 women who meet eligibility requirements like those established
59 12 by the Susan G. Komen foundation. In the awarding of grants,
59 13 the Iowa department of public health shall give first
59 14 consideration to affiliates of the Susan G. Komen foundation
59 15 and similar nonprofit organizations providing for breast
59 16 cancer screenings at no cost in Iowa. Notwithstanding section
59 17 8.33, moneys transferred under this subsection shall not
59 18 revert to the general fund of the state.
59 19 Sec. 70. Section 321.34, subsection 24, Code Supplement
59 20 2007, is amended to read as follows:
59 21 24. GOLD STAR PLATES. An owner referred to in subsection
59 22 12 who is the surviving spouse, parent, child, or sibling of a
59 23 deceased member of the United States armed forces who died
59 24 while serving on active duty during a time of military
59 25 conflict may order special registration plates bearing a gold
59 26 star emblem upon written application to the department
59 27 accompanied by satisfactory supporting documentation as
59 28 determined by the department. The gold star emblem shall be
59 29 designed by the department in cooperation with the commission
59 30 of veterans affairs. The special plate fees collected by the
59 31 director under subsection 12, paragraph "a", from the issuance
59 32 and annual validation of letter-number designated and
59 33 personalized gold star plates shall be paid monthly to the
59 34 treasurer of state and ~~credited to~~ deposited in the road use
59 35 tax fund. ~~Notwithstanding section 423.43, and prior to the~~



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~~60 1 crediting of revenues to the road use tax fund under section~~
~~60 2 423.43, subsection 1, paragraph "b", the The treasurer of~~
60 3 state shall transfer monthly from ~~those revenues~~ the revenues
60 4 available for purposes of this subsection under section
60 5 321.145, subsection 2, to the veterans license fee fund
60 6 created in section 35A.11 the amount of the special fees
60 7 collected in the previous month for gold star plates.
60 8 Sec. 71. Section 321.39, subsections 3 and 4, Code 2007,
60 9 are amended to read as follows:
60 10 3. For vehicles on which the first installment of an
60 11 annual registration fee has been paid, at midnight on the last
60 12 day of June or the first business day of July when June 30
60 13 falls on Saturday, Sunday, or a holiday; for vehicles on which
60 14 the second installment of an annual registration fee has been
60 15 paid, at midnight on the last day of December or the first
60 16 business day of January when December 31 falls on Saturday,
60 17 Sunday, or a holiday.
60 18 4. For vehicles registered without payment of annual
60 19 registration fees as provided in section 321.19, when
60 20 designated by the department.
60 21 5. Registration for every vehicle registered by the county
60 22 treasurer shall expire upon transfer of ownership.
60 23 Sec. 72. Section 321.40, subsection 1, Code Supplement
60 24 2007, is amended to read as follows:
60 25 1. Application for renewal of a vehicle registration shall
60 26 be made on or after the first day of the month prior to the
60 27 month of expiration of registration and up to and including
60 28 the last day of the month following the month of expiration of
60 29 registration. The registration shall be renewed upon payment
60 30 of the appropriate annual registration fee. Application for
60 31 renewal for a vehicle registered under chapter 326 shall be
60 32 made on or after the first day of the month of expiration of
60 33 registration and up to and including the last day of the month
60 34 following the month of expiration of registration.
60 35 Sec. 73. Section 321.46, subsections 2, 3, 4, 6, and 7,



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61 1 Code 2007, are amended to read as follows:

61 2 2. Upon filing the application for a new registration and
61 3 a new title, the applicant shall pay a title fee of ten
61 4 dollars ~~and a~~, an annual registration fee prorated for the
61 5 remaining unexpired months of the registration year, and a fee
61 6 for new registration if applicable. A manufacturer applying
61 7 for a certificate of title pursuant to section 322G.12 shall
61 8 pay a title fee of two dollars. However, a title fee shall
61 9 not be charged to a manufactured or mobile home retailer
61 10 applying for a certificate of title for a used mobile home or
61 11 manufactured home, titled in Iowa, as required under section
61 12 321.45, subsection 4. The county treasurer, if satisfied of
61 13 the genuineness and regularity of the application, and in the
61 14 case of a mobile home or manufactured home, that taxes are not
61 15 owing under chapter 435, and that applicant has complied with
61 16 all the requirements of this chapter, shall issue a new
61 17 certificate of title and, except for a mobile home,
61 18 manufactured home, or a vehicle returned to and accepted by a
61 19 manufacturer as described in section 322G.12, a registration
61 20 card to the purchaser or transferee, shall cancel the prior
61 21 registration for the vehicle, and shall forward the necessary
61 22 copies to the department on the date of issuance, as
61 23 prescribed in section 321.24. Mobile homes or manufactured
61 24 homes titled under chapter 448 that have been subject under
61 25 section 446.18 to a public bidder sale in a county shall be
61 26 titled in the county's name, with no fee, and the county
61 27 treasurer shall issue the title.

61 28 3. The applicant shall be entitled to a credit for that
61 29 portion of the annual registration fee of the vehicle sold,
61 30 traded, or junked which had not expired prior to the transfer
61 31 of ownership of the vehicle. The annual registration fee for
61 32 the new registration for the vehicle acquired shall be reduced
61 33 by the amount of the credit. The credit shall be computed on
61 34 the basis of the number of months remaining in the
61 35 registration year, rounded to the nearest whole dollar. The



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62 1 credit shall be subject to the following limitations:

62 2 a. The credit shall be claimed within thirty days from the
62 3 date the vehicle for which credit is granted was sold,
62 4 transferred, or junked. After thirty days, all credits shall
62 5 be disallowed.

62 6 b. Any credit granted to the owner of a vehicle which has
62 7 been sold, traded, or junked may only be claimed by that
62 8 person toward the annual registration fee for another vehicle
62 9 purchased and the credit may not be sold, transferred, or
62 10 assigned to any other person.

62 11 c. When the amount of the credit is computed to be an
62 12 amount of less than ten dollars, a credit shall be disallowed.

62 13 d. To claim a credit for the unexpired annual registration
62 14 fee on a junked vehicle, the county treasurer shall disallow
62 15 any claim for credit unless the owner presents a junking
62 16 certificate or other evidence as required by the department to
62 17 the county treasurer.

62 18 e. A credit shall not be allowed to any person who has
62 19 made claim to receive a refund under section 321.126.

62 20 f. If the credit allowed exceeds the amount of the annual
62 21 registration fee for the vehicle acquired, the owner may claim
62 22 a refund under section 321.126, subsection 6, for the balance
62 23 of the credit.

62 24 g. The credit shall be computed on the unexpired number of
62 25 months computed from the date of purchase of the vehicle
62 26 acquired.

62 27 4. If the annual registration fee upon application is
62 28 delinquent, the applicant shall be required to pay the
62 29 delinquent fee from the first day the annual registration fee
62 30 was due prorated to the month of application for new title.

62 31 6. An applicant for a new registration for a vehicle
62 32 transferred to the applicant by a spouse, parent, or child of
62 33 the applicant, or by operation of law upon inheritance, devise
62 34 or bequest, from the applicant's spouse, parent, or child, or
62 35 by a former spouse pursuant to a decree of dissolution of



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63 1 marriage, is entitled to a credit to be applied to the annual
63 2 registration fee for the transferred vehicle. A credit shall
63 3 not be allowed unless the vehicle to which the credit applies
63 4 is registered within the time specified under subsection 1.
63 5 The credit shall be computed on the basis of the number of
63 6 unexpired months remaining in the registration year of the
63 7 former owner computed from the date the vehicle was
63 8 transferred, computed to the nearest whole dollar. The credit
63 9 may exceed the amount of the annual registration fee for the
63 10 transferred vehicle. When the amount of the credit is
63 11 computed to be an amount of less than ten dollars, the credit
63 12 shall be disallowed. The credit shall not be sold,
63 13 transferred, or assigned to any other person.

63 14 7. If a motor vehicle is leased and the lessee purchases
63 15 the vehicle upon termination of the lease, the lessor shall,
63 16 upon claim by the lessee with the lessor within thirty days of
63 17 the purchase, assign the annual registration fee credit and
63 18 registration plates for the leased motor vehicle to the
63 19 lessee. Credit shall be applied as provided in subsection 3.

63 20 Sec. 74. Section 321.46A, Code 2007, is amended to read as
63 21 follows:

63 22 321.46A CHANGE FROM PROPORTIONAL REGISTRATION == CREDIT.

63 23 An owner changing a vehicle's registration from
63 24 proportional registration under chapter 326 to registration
63 25 under this chapter shall be entitled to a credit on the
63 26 vehicle's annual registration fees under this chapter. The
63 27 credit shall be allowed when the owner surrenders to the
63 28 county treasurer proof of proportional registration provided
63 29 by the department. The amount of the credit shall be
63 30 calculated based on the unexpired complete calendar months
63 31 remaining in the registration year from the date the
63 32 application is filed with the county treasurer.

63 33 Sec. 75. Section 321.52, subsections 1 and 3, Code
63 34 Supplement 2007, are amended to read as follows:

63 35 1. When a vehicle is sold outside the state for purposes



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64 1 other than for junk, the owner, dealer or otherwise, shall
64 2 detach the registration plates and registration card and shall
64 3 indicate on the registration card the name and address of the
64 4 foreign purchaser or transferee over the person's signature.
64 5 Unless the registration plates are legally attached to another
64 6 vehicle, the owner shall surrender the registration plates and
64 7 registration card to the county treasurer, who shall cancel
64 8 the records, destroy the registration plates, and forward the
64 9 registration card to the department. The department shall
64 10 make a notation on the records of the out-of-state sale and,
64 11 after a reasonable period, may destroy the files for that
64 12 particular vehicle. The department is not authorized to make
64 13 a refund of annual registration fees on a vehicle sold out of
64 14 state unless it receives the registration card completed as
64 15 provided in this section.

64 16 3. When a vehicle for which a certificate of title is
64 17 issued is junked or dismantled by the owner, the owner shall
64 18 detach the registration plates and surrender the plates to the
64 19 county treasurer, unless the plates are properly assigned to
64 20 another vehicle. The owner shall also surrender the
64 21 certificate of title to the county treasurer. Upon
64 22 surrendering the certificate of title and application for
64 23 junking certificate, the county treasurer shall issue to the
64 24 person, without fee, a junking certificate, which shall
64 25 authorize the holder to possess, transport or transfer
64 26 ownership of the junked vehicle by endorsement of the junking
64 27 certificate. The county treasurer shall hold the surrendered
64 28 certificate of title, registration receipt, application for
64 29 junking certificate, and, if applicable, the registration
64 30 plates for a period of fourteen days following the issuance of
64 31 a junking certificate under this subsection. Within the
64 32 fourteen-day period the person who was issued the junking
64 33 certificate and to whom the vehicle was titled or assigned may
64 34 surrender to the county treasurer the junking certificate, and
64 35 upon the person's payment of appropriate fees and taxes and



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65 1 payment of any credit for annual registration fees received by
65 2 the person for the vehicle under section 321.46, subsection 3,
65 3 the county treasurer shall issue to the person a certificate
65 4 of title for the vehicle. After the expiration of the
65 5 fourteen-day period, a county treasurer shall not issue a
65 6 certificate of title for a junked vehicle for which a junking
65 7 certificate is issued. The county treasurer shall cancel the
65 8 record of the vehicle and forward the certificate of title to
65 9 the department.

65 10 However, upon application the department upon a showing of
65 11 good cause may issue a certificate of title after the
65 12 fourteen-day period for a junked vehicle for which a junking
65 13 certificate has been issued. For purposes of this subsection,
65 14 "good cause" means that the junking certificate was obtained
65 15 by mistake or inadvertence. If a person's application to the
65 16 department is denied, the person may make application for a
65 17 certificate of title under the bonding procedure as provided
65 18 in section 321.24, if the vehicle qualifies as an antique
65 19 vehicle under section 321.115, subsection 1, or the person may
65 20 seek judicial review as provided under sections 17A.19 and
65 21 17A.20.

65 22 Sec. 76. Section 321.70, Code 2007, is amended to read as
65 23 follows:

65 24 321.70 DEALER VEHICLES.

65 25 A dealer registered under this chapter shall not be
65 26 required to register any vehicle owned by the dealer which is
65 27 being held for sale or trade, provided the annual registration
65 28 fee was not delinquent at the time the vehicle was acquired by
65 29 the dealer. When a dealer ceases to hold any vehicle for sale
65 30 or trade or the vehicle otherwise becomes subject to
65 31 registration under this chapter the annual registration fee
65 32 and delinquent annual registration fee, if any, shall be due
65 33 for the registration year.

65 34 Sec. 77. Section 321.101, subsection 1, paragraph d, Code
65 35 Supplement 2007, is amended to read as follows:



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66 1 d. When the department determines that the required annual
66 2 registration fee has not been paid and the fee is not paid
66 3 upon reasonable notice and demand.

66 4 Sec. 78. Section 321.101A, Code 2007, is amended to read
66 5 as follows:

66 6 321.101A REVOCATION OF REGISTRATION BY COUNTY TREASURER.

66 7 The county treasurer may revoke the registration and
66 8 registration plates of a vehicle if the annual registration
66 9 ~~fees are fee~~ or the fee for new registration is paid by check,
66 10 electronic payment, or credit card and the check, electronic
66 11 payment, or credit card is not honored by the payer's
66 12 financial institution or credit card company, upon reasonable
66 13 notice and demand. The owner of the vehicle or person in
66 14 possession of the registration and registration plates for the
66 15 vehicle shall immediately return the revoked registration and
66 16 registration plates to the appropriate county treasurer's
66 17 office.

66 18 Sec. 79. Section 321.105, Code 2007, is amended to read as
66 19 follows:

66 20 321.105 ANNUAL REGISTRATION FEE REQUIRED.

66 21 1. An annual registration fee shall be paid for each
66 22 vehicle operated upon the public highways of this state unless
66 23 the vehicle is specifically exempted under this chapter. If a
66 24 vehicle, which has been registered for the current
66 25 registration year, is transferred during the registration
66 26 year, the transferee shall reregister the vehicle as provided
66 27 in section 321.46.

66 28 2. The annual registration fee shall be paid to the county
66 29 treasurer at the same time the application is made for the
66 30 registration or reregistration of the motor vehicle or
66 31 trailer. An owner may, when applying for registration or
66 32 reregistration of a motor vehicle or trailer, request that the
66 33 plates be mailed to the owner's post-office address. The
66 34 owner's request shall be accompanied by a mailing fee as
66 35 determined annually by the director in consultation with the



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67 1 Iowa county treasurers association.
67 2 3. Upon application by a financial institution, as defined
67 3 in section 422.61, and approval of the application by the
67 4 county treasurer, the county treasurer in any county may
67 5 authorize the financial institution to receive applications
67 6 for renewal of vehicle registrations and payment of the annual
67 7 registration fees. The annual registration fees shall be
67 8 delivered to the county treasurer at the time the county
67 9 treasurer has processed the vehicle registration application.
67 10 ~~Registration~~ Annual registration fees received with vehicle
67 11 registration applications shall be designated as public funds
67 12 only upon receipt of such funds by the county treasurer from
67 13 the financial institution.
67 14 4. In addition to the payment of an annual registration
67 15 fee for each trailer and semitrailer to be issued an annual
67 16 registration plate, an additional registration fee may be paid
67 17 for a period of two or four subsequent registration years.
67 18 5. Seriously disabled veterans who have been provided with
67 19 an automobile or other vehicle by the United States government
67 20 under the provisions of sections 1901 to 1903, Title 38 of the
67 21 United States Code, 38 U.S.C. } 1901 et seq. (1970), shall be
67 22 exempt from payment of any automobile registration fee
67 23 provided in this chapter, and shall be provided, without fee,
67 24 with a registration plate. The disabled veteran, to be able
67 25 to claim the above benefit, must be a resident of the state of
67 26 Iowa. The disabled veteran may obtain a special or
67 27 personalized plate under section 321.34 by paying the
67 28 difference between the fee for a regular registration plate
67 29 and the fee for the special or personalized registration
67 30 plate.
67 31 Sec. 80. Section 321.106, subsections 1, 2, and 4, Code
67 32 2007, are amended to read as follows:
67 33 1. When a vehicle is registered under chapter 326 or a
67 34 motor truck, truck tractor, or road tractor is registered for
67 35 a combined gross weight exceeding five tons and there is no



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68 1 delinquency and the registration is made in February or
68 2 succeeding months through November, the annual registration
68 3 fee shall be prorated for the remaining unexpired months of
68 4 the registration year. A fee shall not be required for the
68 5 month of December for a vehicle registered on a calendar year
68 6 basis on which there is no delinquency. However, except for a
68 7 vehicle registered under chapter 326, when such a vehicle is
68 8 registered in November, the vehicle may be registered for the
68 9 remaining unexpired months of the registration year or for the
68 10 remaining unexpired months of the registration year and for
68 11 the next registration year, upon payment of the applicable
68 12 registration fees.

68 13 2. When a vehicle is registered on a birth month basis and
68 14 there is no delinquency and the registration is made in the
68 15 month after the beginning of the registration year or
68 16 succeeding months, the annual registration fee shall be
68 17 prorated for the remaining unexpired months of the
68 18 registration year. A fee shall not be required for the month
68 19 of the owner's birthday for a vehicle on which there is no
68 20 delinquency. However, when a vehicle registered on a birth
68 21 month basis is registered during the eleventh month of the
68 22 registration year, the vehicle may be registered for the
68 23 remaining unexpired months of the registration year or for the
68 24 remaining unexpired months of the registration year and for
68 25 the next registration year, upon payment of the applicable
68 26 registration fees.

68 27 4. A reduction in the annual registration fee shall not be
68 28 allowed by the department until the applicant files
68 29 satisfactory evidence to prove that there is no delinquency in
68 30 registration.

68 31 Sec. 81. Section 321.109, subsection 3, Code 2007, is
68 32 amended to read as follows:

68 33 3. The owner of an unregistered motor vehicle or motor
68 34 vehicle for which the registration is delinquent may make
68 35 application to the county treasurer of the county of residence



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69 1 or, if the unregistered or delinquent motor vehicle is
69 2 purchased by a nonresident of the state, to the county
69 3 treasurer in the county of purchase, for a temporary
69 4 thirty-day permit for a fee of twenty-five dollars. The
69 5 permit shall authorize the motor vehicle to be driven or towed
69 6 upon the highway, but shall not authorize a motor truck or
69 7 truck tractor to haul or tow a load. The permit fee shall not
69 8 be considered a registration fee or exempt the owner from
69 9 payment of all other fees, registration fees, and penalties
69 10 due. If the annual registration fee for the motor vehicle is
69 11 delinquent, the annual registration fee and penalty shall
69 12 continue to accrue until paid. The permit fee shall not be
69 13 prorated, refunded, or used as credit as provided under
69 14 section 321.46. The permit shall be displayed in the upper
69 15 left-hand corner of the rear window of all motor vehicles,
69 16 except motorcycles. Permits issued for a motorcycle shall be
69 17 attached to the rear of the motorcycle.

69 18 Sec. 82. Section 321.110, Code 2007, is amended to read as
69 19 follows:

69 20 321.110 REJECTING FRACTIONAL DOLLARS.

69 21 When the annual registration fee, computed according to
69 22 section 321.109, subsection 1, totals a fraction over a
69 23 certain number of dollars the fee shall be arrived at by
69 24 computing to the nearest even dollar.

69 25 Sec. 83. Section 321.113, Code 2007, is amended to read as
69 26 follows:

69 27 321.113 AUTOMATIC REDUCTION.

69 28 1. The annual registration fee for a motor vehicle shall
69 29 not be automatically reduced under this section unless the
69 30 ~~registration~~ fee is based on the value and weight of the motor
69 31 vehicle as provided in section 321.109, subsection 1.

69 32 2. If a motor vehicle is more than five model years old,
69 33 the part of the annual registration fee that is based on the
69 34 value of the vehicle shall be seventy-five percent of the rate
69 35 as fixed when the motor vehicle was new.



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70 1 3. If a motor vehicle is more than six model years old,
70 2 the part of the annual registration fee that is based on the
70 3 value of the vehicle shall be fifty percent of the rate as
70 4 fixed when the motor vehicle was new.

70 5 4. If a 1994 model year or newer motor vehicle is nine
70 6 model years old or older the annual registration fee is
70 7 thirty-five dollars. For purposes of determining the portion
70 8 of the annual registration fee under this subsection that is
70 9 based upon the value of the motor vehicle, sixty percent of
70 10 the annual registration fee is attributable to the value of
70 11 the vehicle.

70 12 5. a. If a 1993 model year or older motor vehicle has
70 13 been titled in the same person's name since the vehicle was
70 14 new or the title to the vehicle was transferred prior to
70 15 January 1, 2002, the part of the annual registration fee that
70 16 is based on the value of the vehicle shall be ten percent of
70 17 the rate as fixed when the motor vehicle was new.

70 18 b. If the title of a 1993 model year or older motor
70 19 vehicle is transferred to a new owner or if such a motor
70 20 vehicle is brought into the state on or after January 1, 2002,
70 21 the annual registration fee shall not be based on the weight
70 22 and list price of the motor vehicle, but shall be as follows:

- 70 23 (1) For a motor vehicle that is model year
- 70 24 1969 or older:..... \$ 16.00
- 70 25 (2) For a motor vehicle that is model year
- 70 26 1970 through 1989:..... \$ 23.00
- 70 27 (3) For a motor vehicle that is model year
- 70 28 1990 through 1993:..... \$ 27.00

70 29 For purposes of determining the portion of the annual
70 30 registration fee under this paragraph "b" that is based upon
70 31 the value of the motor vehicle, sixty percent of the annual
70 32 registration fee is attributable to the value of the vehicle.

70 33 Sec. 84. Section 321.117, Code 2007, is amended to read as
70 34 follows:

70 35 321.117 MOTORCYCLE, AMBULANCE, AND HEARSE FEES.



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71 1 For all motorcycles the annual registration fee shall be
71 2 twenty dollars. For all motorized bicycles the annual
71 3 registration fee shall be seven dollars. When the motorcycle
71 4 is more than five model years old, the annual registration fee
71 5 shall be ten dollars. The annual registration fee for
71 6 ambulances and hearses shall be fifty dollars. Passenger car
71 7 plates shall be issued for ambulances and hearses.

71 8 Sec. 85. Section 321.119, Code 2007, is amended to read as
71 9 follows:

71 10 321.119 CHURCH BUSES.

71 11 For motor vehicles designed to carry nine passengers or
71 12 more which are owned and used exclusively by a church or
71 13 religious organization to transport passengers to and from
71 14 activities of or sponsored by the church or religious
71 15 organization and not operated for rent or hire for purposes
71 16 unrelated to the activities of the church or religious
71 17 organization, the annual registration fee shall be twenty=five
71 18 dollars.

71 19 Sec. 86. Section 321.121, Code 2007, is amended to read as
71 20 follows:

71 21 321.121 SPECIAL TRUCKS FOR FARM USE.

71 22 1. The annual registration fee for a special truck shall
71 23 be eighty dollars for a gross weight of six tons, one hundred
71 24 dollars for a gross weight of seven tons, one hundred twenty
71 25 dollars for a gross weight of eight tons, and in addition,
71 26 fifteen dollars for each ton over eight tons and not exceeding
71 27 eighteen tons. The annual registration fee for a special
71 28 truck with a gross weight registration exceeding eighteen tons
71 29 but not exceeding nineteen tons shall be three hundred
71 30 twenty=five dollars and for a gross weight registration
71 31 exceeding nineteen tons but not exceeding twenty tons the
71 32 annual registration fee shall be three hundred seventy=five
71 33 dollars. The additional annual registration fee for a special
71 34 truck for a gross weight registration in excess of twenty tons
71 35 is twenty=five dollars for each ton over twenty tons and not



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72 1 exceeding thirty-two tons.

72 2 2. A person convicted of or found by audit to be using a
72 3 motor vehicle registered as a special truck for any purpose
72 4 other than permitted by section 321.1, subsection 76, shall,
72 5 in addition to any other penalty imposed by law, be required
72 6 to pay regular annual motor vehicle registration fees ~~upon~~ for
72 7 such motor vehicle.

72 8 Sec. 87. Section 321.123, unnumbered paragraph 1, Code
72 9 2007, is amended to read as follows:

72 10 All trailers except farm trailers, mobile homes, and
72 11 manufactured homes, unless otherwise provided in this section,
72 12 are subject to ~~a~~ an annual registration fee of ten dollars.
72 13 Trailers for which the empty weight is two thousand pounds or
72 14 less are exempt from the certificate of title and lien
72 15 provisions of this chapter. Fees collected under this section
72 16 shall not be reduced or prorated under chapter 326.

72 17 Sec. 88. Section 321.123, subsection 1, unnumbered
72 18 paragraph 1, Code 2007, is amended to read as follows:

72 19 Travel trailers and fifth-wheel travel trailers, except
72 20 those in manufacturer's or dealer's stock, shall be subject to
72 21 an annual registration fee of twenty cents per square foot of
72 22 floor space computed on the exterior overall measurements, but
72 23 excluding three feet occupied by any trailer hitch as provided
72 24 by and certified to by the owner, to the nearest whole dollar.
72 25 When a travel trailer or fifth-wheel travel trailer is
72 26 registered in Iowa for the first time or when title is
72 27 transferred, the annual registration fee shall be prorated on
72 28 a monthly basis. The annual registration fee shall be reduced
72 29 to seventy-five percent of the full fee after the vehicle is
72 30 more than six model years old.

72 31 Sec. 89. Section 321.125, Code 2007, is amended to read as
72 32 follows:

72 33 321.125 EFFECT OF EXEMPTION.

72 34 The exemption of a motor vehicle from ~~a~~ an annual
72 35 registration fee or a fee for new registration shall not



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73 1 exempt the operator of such vehicle from the performance of
73 2 any other duty imposed on the operator by this chapter.
73 3 Sec. 90. Section 321.126, Code 2007, is amended to read as
73 4 follows:
73 5 321.126 REFUNDS OF ANNUAL REGISTRATION FEES.
73 6 Refunds of unexpired annual vehicle registration fees shall
73 7 be allowed in accordance with this section, except that no
73 8 refund shall be allowed and paid if the unused portion of the
73 9 fee is less than ten dollars. Subsections 1 and 2 do not
73 10 apply to vehicles registered by the county treasurer. The
73 11 refunds shall be made as follows:
73 12 1. If the vehicle is destroyed by fire or accident, or
73 13 junked and its identity as a vehicle entirely eliminated, the
73 14 owner in whose name the vehicle was registered at the time of
73 15 destruction or dismantling shall return the plates to the
73 16 department and within thirty days thereafter make a statement
73 17 of such destruction or dismantling and make claim for refund.
73 18 With reference to the destruction or dismantling of a vehicle,
73 19 no refund shall be allowed unless a junking certificate has
73 20 been issued, as provided in section 321.52.
73 21 2. If the vehicle is stolen, the owner shall give notice
73 22 of the theft to the department within five days. If the
73 23 vehicle is not recovered by the owner thirty days prior to the
73 24 end of the current registration year, the owner shall make a
73 25 statement of the theft and make claim for refund.
73 26 3. If the vehicle is placed in storage by the owner upon
73 27 the owner's entry into the military service of the United
73 28 States, the owner shall return the plates to the county
73 29 treasurer or the department and make a statement regarding the
73 30 storage and military service and make claim for refund.
73 31 Whenever the owner of a vehicle so placed in storage desires
73 32 to again register the vehicle, the county treasurer or
73 33 department shall compute and collect the fees for registration
73 34 for the registration year commencing in the month the vehicle
73 35 is removed from storage.



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74 1 4. If the vehicle is registered by the county treasurer
74 2 during the current registration year and the owner or lessee
74 3 registers the vehicle for proportional registration under
74 4 chapter 326, the owner of the registered vehicle shall
74 5 surrender the registration plates to the county treasurer and
74 6 may file a claim for refund. In lieu of a refund, a credit
74 7 for the annual registration fees paid to the county treasurer
74 8 may be applied by the department to the owner or lessee's
74 9 proportional registration fees upon the surrender of the
74 10 county plates and registration.

74 11 5. A refund for trailers and semitrailers issued a
74 12 multiyear registration plate shall be paid by the department
74 13 upon application.

74 14 6. If a vehicle is sold or junked, the owner in whose name
74 15 the vehicle was registered may make claim to the county
74 16 treasurer or department for a refund of the sold or junked
74 17 vehicle's annual registration fee. Also if the owner of a
74 18 vehicle receives a vehicle registration fee credit under
74 19 section 321.46, subsection 3, and the credit allowed exceeds
74 20 the amount of the annual registration fee for the vehicle
74 21 acquired, the owner may claim a refund for the balance of the
74 22 credit. The refund is subject to the following limitations:

74 23 a. If a vehicle registration fee credit has not been
74 24 received by the owner of the vehicle under section 321.46,
74 25 subsection 3, the refund shall be computed on the basis of the
74 26 number of unexpired months remaining in the registration year
74 27 at the time the vehicle was sold or junked. The refund shall
74 28 be rounded to the nearest whole dollar. Section 321.127,
74 29 subsection 1, does not apply.

74 30 b. The refund shall only be allowed if the owner makes
74 31 claim for the refund within six months after the date of the
74 32 vehicle's sale, trade, or junking.

74 33 c. This subsection does not apply to vehicles registered
74 34 under chapter 326.

74 35 7. If the vehicle was leased and an affidavit was filed by



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75 1 the lessor or the lessee as provided in section 321.46, the
75 2 lessor or the lessee, as applicable, may make a claim for a
75 3 refund with the county treasurer of the county where the
75 4 vehicle was registered within six months of the vehicle's
75 5 surrender to the lessor. The refund shall be paid to either
75 6 the lessor or the lessee, as specified on the application for
75 7 title and registration pursuant to section 321.20.

75 8 8. If the owner of the vehicle moves out of state, the
75 9 owner may make a claim for a refund by returning the Iowa
75 10 registration plates, along with evidence of the vehicle's
75 11 registration in another jurisdiction, to the county treasurer
75 12 of the county in which the vehicle was registered within six
75 13 months of the out-of-state registration. For purposes of
75 14 section 321.127, the unexpired months remaining in the
75 15 registration year shall be calculated on the basis of the
75 16 effective date of the out-of-state registration. However, for
75 17 the purpose of timely issuance of the refund, the claim for a
75 18 refund under this subsection is considered to be filed on the
75 19 date the registration documents are received by the county
75 20 treasurer.

75 21 9. Notwithstanding any provision of this section to the
75 22 contrary, there shall be no refund of proportional
75 23 registration fees unless the state which issued the base plate
75 24 for the vehicle allows such refund. If an owner subject to
75 25 proportional registration leases the vehicle for which the
75 26 refund is sought, the claim shall be filed in the names of
75 27 both the lessee and the lessor and the refund payment made
75 28 payable to both the lessor and the lessee. The term "owner"
75 29 for purposes of this section shall include a person in whom is
75 30 vested right of possession or control of a vehicle which is
75 31 subject to a lease, contract, or other legal arrangement
75 32 vesting right of possession or control in addition to the term
75 33 as defined in section 321.1, subsection 49.

75 34 Sec. 91. Section 321.127, subsection 1, Code 2007, is
75 35 amended to read as follows:



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76 1 1. The refund of the annual registration fee for vehicles
76 2 shall be computed on the basis of the number of unexpired
76 3 months remaining in the registration year from date of filing
76 4 of the claim for refund with the county treasurer, computed to
76 5 the nearest dollar.

76 6 Sec. 92. Section 321.132, Code 2007, is amended to read as
76 7 follows:

76 8 321.132 WHEN LIEN ATTACHES.

76 9 The lien of the original annual registration fee attaches,
76 10 at the time the fee is first payable, as provided by law, and
76 11 the lien of all renewals of registration attach on the first
76 12 day of each succeeding registration year.

76 13 Sec. 93. Section 321.134, Code Supplement 2007, is amended
76 14 to read as follows:

76 15 321.134 MONTHLY PENALTY.

76 16 1. On the first day of the second month following the
76 17 beginning of each registration year a penalty of five percent
76 18 of the annual registration fee shall be added to the annual
76 19 registration fees not paid by that date and an additional
76 20 penalty of five percent shall be added the first day of each
76 21 succeeding month, until the fee is paid. A penalty shall not
76 22 be less than five dollars. If the owner of a vehicle
76 23 surrenders the registration plates for a vehicle prior to the
76 24 plates becoming delinquent, to the county treasurer of the
76 25 county where the vehicle is registered, or to the department
76 26 if the vehicle is registered under chapter 326, the owner may
76 27 register the vehicle any time thereafter upon payment of the
76 28 annual registration fee for the registration year without
76 29 penalty. The penalty on vehicles registered under chapter 326
76 30 shall accrue February 1 of each year. To avoid a penalty or
76 31 an additional penalty in the case of a delinquent
76 32 registration, if the last calendar day of a month falls on
76 33 Saturday, Sunday, or a holiday, the payment deadline is
76 34 extended to include the first business day of the following
76 35 month. For payments made through a county treasurer's



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77 1 authorized website only, if the last day of the month falls on
77 2 a Saturday, Sunday, or a holiday, the electronic payment must
77 3 be initiated by midnight on the first business day of the next
77 4 month. All other electronic payments must be initiated by
77 5 midnight on the last day of the month preceding the delinquent
77 6 date.

77 7 2. The annual registration fee for trucks, truck tractors,
77 8 and road tractors, as provided in sections 321.121 and
77 9 321.122, may be payable in two equal semiannual installments
77 10 if the annual registration fee exceeds the annual registration
77 11 fee for a vehicle with a gross weight exceeding five tons.
77 12 The penalties provided in subsection 1 shall be computed on
77 13 the amount of the first installment only and on the first day
77 14 of the seventh month of the registration period the same rate
77 15 of penalty shall apply to the second installment, until the
77 16 fee is paid. Semiannual installments do not apply to
77 17 commercial vehicles, as defined under section 326.2, subject
77 18 to proportional registration, with a base state other than the
77 19 state of Iowa, as defined in section 326.2, subsection 1. The
77 20 penalty on vehicles registered under chapter 326 accrues
77 21 August 1 of each year except as provided in section 326.6.
77 22 The department shall not allow the annual registration fee for
77 23 a commercial vehicle registered under chapter 326 to be paid
77 24 in two equal semiannual installments for five years after the
77 25 registrant has paid the annual registration fee late for two
77 26 consecutive years.

77 27 3. If a penalty applies to a an annual vehicle
77 28 registration fee provided for in sections 321.121 and 321.122,
77 29 the same penalty shall be assessed on the fees collected to
77 30 increase the registered gross weight of the vehicle, if the
77 31 increased gross weight is requested within forty-five days
77 32 from the date the delinquent vehicle is registered for the
77 33 current registration period.

77 34 4. Notwithstanding subsections 1 through 3, if a vehicle
77 35 registration is delinquent for twenty-four months or more, a



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78 1 flat penalty and fee shall be assessed for the delinquent
78 2 period in addition to the current annual registration fee.
78 3 The flat penalty and fee shall be one hundred fifty percent of
78 4 the current annual registration fee.

78 5 5. The department shall waive the penalties imposed by
78 6 this section for an owner who is in the military service of
78 7 the United States and who has been relocated as a result of
78 8 being placed on active duty on or after September 11, 2001.
78 9 The department shall adopt rules to implement this subsection,
78 10 including, if necessary, procedures for refunding penalties
78 11 collected prior to March 29, 2004.

78 12 Sec. 94. Section 321.135, Code 2007, is amended to read as
78 13 follows:

78 14 321.135 WHEN FEES DELINQUENT.

78 15 Except as otherwise provided, ~~delinquencies begin~~ annual
78 16 registration fees become delinquent and penalties accrue the
78 17 first of the month following the purchase of a new vehicle,
78 18 and thirty days following the date a vehicle is brought into
78 19 the state.

78 20 Sec. 95. Section 321.151, Code 2007, is amended to read as
78 21 follows:

78 22 321.151 DUTY AND LIABILITY OF TREASURER.

78 23 The county treasurer shall collect the registration fee,
78 24 the fee for new registration, and penalties on each vehicle
78 25 registered by the county treasurer and shall be responsible on
78 26 the county treasurer's bond for such amount. The county
78 27 treasurer shall remit such amount to the treasurer of state as
78 28 provided in this chapter. Fees collected pursuant to
78 29 participation in county issuance of driver's licenses under
78 30 chapter 321M shall be governed by the provisions of that
78 31 chapter.

78 32 Sec. 96. Section 321.152, subsection 1, Code 2007, is
78 33 amended to read as follows:

78 34 1. Four percent of the total collection, excluding the
78 35 amount of any fee for new registration, for each annual or



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79 1 semiannual vehicle registration and each duplicate
79 2 registration card or plate issued.

79 3 Sec. 97. Section 321.152, Code 2007, is amended by adding
79 4 the following new subsection:

79 5 NEW SUBSECTION. 5. One dollar from each fee for new
79 6 registration collected pursuant to section 321.105A.

79 7 Sec. 98. Section 321.159, Code 2007, is amended to read as
79 8 follows:

79 9 321.159 EXCEPTIONAL CASES == ANNUAL REGISTRATION FEE.

79 10 The department shall have the power to fix the annual
79 11 registration fee on all makes and models of motor vehicles
79 12 which are not now being furnished or upon which the statement
79 13 from the factory cannot be obtained.

79 14 For a current year model of a motor vehicle for which the
79 15 manufacturer or importer of the motor vehicle has not provided
79 16 the weight and list price, the department shall set the annual
79 17 registration fee at ten dollars greater than the annual
79 18 registration fee for the previous year model. Once the
79 19 manufacturer or importer provides the required information,
79 20 the information shall be used to set the annual registration
79 21 fee or the registration renewal fee for the succeeding
79 22 registration or registration renewal time for the motor
79 23 vehicle.

79 24 Sec. 99. Section 321.170, Code 2007, is amended to read as
79 25 follows:

79 26 321.170 PLATES FOR EXEMPT VEHICLES.

79 27 The department shall furnish, on application, free of
79 28 charge, distinguishing plates for motor vehicles exempted from
79 29 a annual registration fee fees and shall keep a separate
79 30 record thereof.

79 31 Sec. 100. Section 322G.4, subsection 2, unnumbered
79 32 paragraph 2, Code 2007, is amended to read as follows:

79 33 Refunds shall be made to the consumer and lienholder of
79 34 record, if any, as their interests appear. If applicable,
79 35 refunds shall be made to the lessor and lessee as follows: the



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80 1 lessee shall receive the lessee's cost less a reasonable
80 2 offset for use, and the lessor shall receive the lease price
80 3 less the aggregate deposit and rental payments previously paid
80 4 to the lessor for the leased vehicle. If it is determined
80 5 that the lessee is entitled to a refund pursuant to this
80 6 chapter, the consumer's lease agreement with the lessor is
80 7 terminated upon payment of the refund and no penalty for early
80 8 termination shall be assessed. The department of revenue
80 9 shall refund to the manufacturer any use tax or fee for new
80 10 registration which the manufacturer refunded to the consumer,
80 11 lessee, or lessor under this section, if the manufacturer
80 12 provides to the department of revenue a written request for a
80 13 refund and evidence that the use tax or fee for new
80 14 registration was paid when the vehicle was purchased and that
80 15 the manufacturer refunded the use tax or fee for new
80 16 registration to the consumer, lessee, or lessor.

80 17 Sec. 101. Section 322G.12, unnumbered paragraph 1, Code
80 18 2007, is amended to read as follows:

80 19 A manufacturer who accepts the return of a motor vehicle
80 20 pursuant to a settlement, determination, or decision under
80 21 this chapter shall notify the state department of
80 22 transportation, report the vehicle identification number of
80 23 that motor vehicle within ten days after the acceptance, and
80 24 obtain a new certificate of title for the vehicle in the
80 25 manufacturer's name pursuant to section 321.46. In obtaining
80 26 a new certificate of title, the manufacturer shall title the
80 27 vehicle in the county of the transferor's residence and shall
80 28 be exempt from the registration fee requirements of section
80 29 321.46. ~~For purposes of chapter 423, a manufacturer's~~
~~80 30 acceptance of the return of a motor vehicle, as described in~~
~~80 31 this section, shall not be considered "use", as defined in~~
~~80 32 section 423.1 and the fee for new registration under section~~
80 33 321.105A. The new certificate of title, and all subsequent
80 34 registration receipts and certificates of title issued for the
80 35 motor vehicle, shall contain a designation indicating that the



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81 1 motor vehicle was returned to the manufacturer pursuant to
81 2 this chapter or a similar law of another state. The state
81 3 department of transportation shall determine the manner in
81 4 which the designation is to be indicated on registration
81 5 receipts and certificates of title and may determine that a
81 6 "REBUILT" or "SALVAGE" designation supersedes the designation
81 7 required by this paragraph and include the "REBUILT" or
81 8 "SALVAGE" designation on the registration receipt and
81 9 certificate of title in lieu of the designation required by
81 10 this paragraph.

81 11 Sec. 102. Section 326.2, Code 2007, is amended by adding
81 12 the following new subsection:

81 13 NEW SUBSECTION. 11A. "Registration fee" means the annual
81 14 motor vehicle registration fee imposed pursuant to section
81 15 321.105, unless otherwise specified.

81 16 Sec. 103. Section 327I.26, Code 2007, is amended to read
81 17 as follows:

81 18 327I.26 APPROPRIATION TO AUTHORITY.

81 19 Notwithstanding section 423.43, and prior to the
81 20 application of section 423.43, subsection ~~1~~ 2, ~~paragraph "b",~~
81 21 there shall be deposited into the general fund of the state
81 22 and is appropriated to the authority from ~~eighty percent of~~
81 23 the revenues derived from the operation of section 423.26, the
81 24 amounts certified by the authority under section 327I.25.
81 25 However, the total amount deposited into the general fund and
81 26 appropriated to the Iowa railway finance authority under this
81 27 section shall not exceed two million dollars annually. Moneys
81 28 appropriated to the Iowa railway finance authority under this
81 29 section are appropriated only for the payment of principal and
81 30 interest on obligations or the payment of leases guaranteed by
81 31 the authority as provided under section 327I.25.

81 32 Sec. 104. Section 331.557, subsection 3, Code 2007, is
81 33 amended to read as follows:

81 34 3. Collect the use tax on vehicles subject ~~to registration~~
81 35 only to a certificate of title and on manufactured housing as



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82 1 provided in ~~sections~~ section 423.14, and section 423.26, ~~and~~
~~82 2 423.27, subsection 1.~~

82 3 Sec. 105. Section 423.5, subsection 3, Code 2007, is
82 4 amended to read as follows:

82 5 3. The use of leased vehicles, if the lease transaction
82 6 does not require titling or registration of the vehicle, on
82 7 the amount subject to tax as calculated pursuant to section
82 8 423.27 423.26, subsection 2.

82 9 Sec. 106. Section 423.36, subsection 8, paragraph b,
82 10 subparagraph (2), Code 2007, is amended to read as follows:

82 11 (2) Taxes imposed under ~~sections~~ section 423.26 ~~and 423.27~~
82 12 and chapter 423C.

82 13 Sec. 107. Section 423.57, Code Supplement 2007, is amended
82 14 to read as follows:

82 15 423.57 STATUTES APPLICABLE.

82 16 The director shall administer this subchapter as it relates
82 17 to the taxes imposed in this chapter in the same manner and
82 18 subject to all the provisions of, and all of the powers,
82 19 duties, authority, and restrictions contained in sections
82 20 423.14, 423.15, 423.16, 423.17, 423.19, 423.20, 423.21,
82 21 423.22, 423.23, 423.24, 423.25, 423.28, 423.29, 423.31,
82 22 423.32, 423.33, 423.34, 423.35, 423.37, 423.38, 423.39,
82 23 423.40, 423.41, and 423.42, section 423.43, subsection ~~3~~ 1,
82 24 and sections 423.45, 423.46, and 423.47.

82 25 Sec. 108. Section 423B.4, unnumbered paragraphs 2 and 3,
82 26 Code 2007, are amended to read as follows:

82 27 Payment of a local vehicle tax shall be evidenced by a
82 28 notation on the state registration certificate. The director
82 29 of the department of transportation shall prescribe by rule
82 30 the type of notation. A local vehicle tax shall not be
82 31 refunded even when annual state registration fees are
82 32 refunded.

82 33 Penalties for late payment which are comparable to the
82 34 penalties for late payment of annual state registration fees
82 35 shall be imposed by the ordinance imposing a local vehicle



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83 1 tax. Willful violation of a local vehicle tax ordinance is a
83 2 simple misdemeanor.

83 3 Sec. 109. Section 455D.11C, subsection 1, Code 2007, is
83 4 amended to read as follows:

83 5 1. A waste tire management fund is created within the
83 6 state treasury. ~~Moneys~~ For the fiscal year beginning July 1,
83 7 2002, through the fiscal year beginning July 1, 2006, moneys
83 8 received from each five dollar surcharge on the issuance of a
83 9 certificate of title shall be deposited as provided in section
83 10 321.52A, ~~subsection 2~~ Code 2007. Notwithstanding section
83 11 8.33, any unexpended balance in the fund at the end of each
83 12 fiscal year shall be retained in the fund. Notwithstanding
83 13 section 12C.7, any interest or earnings on investments from
83 14 moneys in the fund shall be credited to the fund. Moneys from
83 15 the fund that are expended by the department in closing or
83 16 bringing into compliance a waste tire collection site pursuant
83 17 to section 455D.11A and later recouped by the department shall
83 18 be credited to the fund.

83 19 Sec. 110. Section 455G.3, subsection 1, Code 2007, is
83 20 amended to read as follows:

83 21 1. The Iowa comprehensive petroleum underground storage
83 22 tank fund is created as a separate fund in the state treasury,
83 23 and any funds remaining in the fund at the end of each fiscal
83 24 year shall not revert to the general fund but shall remain in
83 25 the Iowa comprehensive petroleum underground storage tank
83 26 fund. Interest or other income earned by the fund shall be
83 27 deposited in the fund. The fund shall include moneys credited
83 28 to the fund under this section, section ~~423.43~~ 424.7,
83 29 subsection ~~4~~ 4, paragraph "a", and sections 455G.8, 455G.9,
83 30 and 455G.11, Code 2003, and other funds which by law may be
83 31 credited to the fund. The moneys in the fund are appropriated
83 32 to and for the purposes of the board as provided in this
83 33 chapter. Amounts in the fund shall not be subject to
83 34 appropriation for any other purpose by the general assembly,
83 35 but shall be used only for the purposes set forth in this



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84 1 chapter. The treasurer of state shall act as custodian of the
84 2 fund and disburse amounts contained in it as directed by the
84 3 board including automatic disbursements of funds as received
84 4 pursuant to the terms of bond indentures and documents and
84 5 security provisions to trustees and custodians. The treasurer
84 6 of state is authorized to invest the funds deposited in the
84 7 fund at the direction of the board and subject to any
84 8 limitations contained in any applicable bond proceedings. The
84 9 income from such investment shall be credited to and deposited
84 10 in the fund. The fund shall be administered by the board
84 11 which shall make expenditures from the fund consistent with
84 12 the purposes of the programs set out in this chapter without
84 13 further appropriation. The fund may be divided into different
84 14 accounts with different depositories as determined by the
84 15 board and to fulfill the purposes of this chapter.

84 16 Sec. 111. Section 455G.6, subsection 4, Code 2007, is
84 17 amended to read as follows:

84 18 4. Grant a mortgage, lien, pledge, assignment, or other
84 19 encumbrance on one or more improvements, revenues, asset of
84 20 right, accounts, or funds established or received in
84 21 connection with the fund, including revenues derived from the
84 22 ~~use tax~~ environmental protection charge under section ~~423.43~~
84 23 424.7, subsection ~~4~~ 4, paragraph "a", and deposited in the
84 24 fund or an account of the fund.

84 25 Sec. 112. Section 455G.8, subsection 2, Code 2007, is
84 26 amended to read as follows:

84 27 2. ~~USE TAX ENVIRONMENTAL PROTECTION CHARGE.~~ The revenues
84 28 derived from the ~~use tax~~ environmental protection charge
84 29 imposed under chapter ~~423, subchapter III~~ 424. The proceeds
84 30 of the ~~use tax~~ environmental protection charge under section
84 31 ~~423.43~~ 424.7, subsection ~~4~~ 4, paragraph "a", shall be
84 32 allocated, consistent with this chapter, among the fund's
84 33 accounts, for debt service and other fund expenses, according
84 34 to the fund budget, resolution, trust agreement, or other
84 35 instrument prepared or entered into by the board or authority



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85 1 under direction of the board.

85 2 Sec. 113. Section 321.115, subsection 1, as enacted by
85 3 2007 Iowa Acts, chapter 143, section 12, is amended to read as
85 4 follows:

85 5 1. A motor vehicle twenty=five years old or older may be
85 6 registered as an antique vehicle upon payment of. The annual
85 7 registration fee is the fee provided for in section 321.113,
85 8 321.122, or 321.124. The owner of a motor vehicle registered
85 9 under this subsection may display authentic Iowa registration
85 10 plates from the model year of the motor vehicle, furnished by
85 11 the person and approved by the department, in lieu of the
85 12 current and valid Iowa registration plates issued for the
85 13 vehicle, provided that the current and valid Iowa registration
85 14 plates and the registration card issued for the vehicle are
85 15 simultaneously carried within the vehicle and are available
85 16 for inspection to any peace officer upon the officer's
85 17 request.

85 18 Sec. 114. 2007 Iowa Acts, chapter 179, section 6, is
85 19 amended to read as follows:

85 20 SEC. 6. Section 423.57, Code 2007, as amended by this Act,
85 21 is amended to read as follows:

85 22 423.57 STATUTES APPLICABLE.

85 23 The director shall administer this subchapter as it relates
85 24 to the taxes imposed in this chapter in the same manner and
85 25 subject to all the provisions of, and all of the powers,
85 26 duties, authority, and restrictions contained in sections
85 27 423.14, 423.15, 423.16, 423.17, 423.19, 423.20, 423.21,
85 28 423.22, 423.23, 423.24, 423.25, 423.28, 423.29, 423.31,
85 29 423.32, 423.33, 423.34, 423.34A, 423.35, 423.37, 423.38,
85 30 423.39, 423.40, 423.41, and 423.42, section 423.43, subsection
85 31 ~~3~~ 1, and sections 423.45, 423.46, and 423.47.

85 32 Sec. 115. Section 423.44, Code 2007, is repealed.

85 33 Sec. 116. PRIOR USE TAX LIABILITY. The enactment of this
85 34 division of this Act does not affect a person's liability for
85 35 any use tax, penalty, or interest owed by the person prior to



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86 1 the effective date of this division of this Act.

86 2 Sec. 117. EFFECTIVE DATE. The section of this division of
86 3 this Act amending 2007 Iowa Acts, chapter 179, takes effect
86 4 January 1, 2009.

86 5 EXPLANATION

86 6 This bill allocates moneys to the transportation moves the
86 7 economy in the twenty-first century (TIME=21) fund from new
86 8 revenues generated from increases in motor vehicle and trailer
86 9 registration fees, title fees, and driver's license fees. The
86 10 bill also replaces the use tax on motor vehicles with a
86 11 registration fee imposed at the time of application for
86 12 registration and certificate of title for a vehicle.

86 13 DIVISION I == MOTOR VEHICLE REGISTRATION FEES. The bill
86 14 requires the treasurer of state, prior to distributing moneys
86 15 under the road use tax fund formula, to credit to the TIME=21
86 16 fund the amount collected from motor vehicle registration fees
86 17 that is in excess of \$346 million annually. The provision
86 18 crediting revenues to the TIME=21 fund is repealed, and new
86 19 revenues will revert to the road use tax fund, on June 30,
86 20 2028. Pursuant to current law, the TIME=21 fund is scheduled
86 21 to be dissolved on that date.

86 22 The bill requires that most 2010 and newer model year motor
86 23 trucks with an unladen weight of 10,000 pounds or less be
86 24 registered for a fee based on the weight and value of the
86 25 vehicle. Currently, such trucks are registered for a flat fee
86 26 based on combined gross weight. Under the bill,
86 27 business-trade trucks will continue to be registered for a
86 28 flat fee. The bill defines "business-trade truck" as a motor
86 29 truck with an unladen weight of 10,000 pounds or less that is
86 30 owned, leased, or used by a person who files a schedule C or
86 31 schedule F form for federal tax purposes, that is eligible for
86 32 depreciation for federal tax purposes, or that is owned,
86 33 leased, or used by a person engaged in a business or trade and
86 34 regularly used for hauling certain items for that business or
86 35 trade or owned, leased, or used by a person engaged in the



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87 1 production of farm products with a value of at least \$1,000
87 2 annually. A person who registers a vehicle as a
87 3 business=trade truck shall be required to provide proof or
87 4 certify by signed affidavit that the vehicle meets the
87 5 qualifications for such registration.
87 6 Passenger vehicles are registered for a fee that is based
87 7 on the weight and value of the vehicle: 1 percent of the
87 8 vehicle's value plus 40 cents for each 100 pounds of weight of
87 9 the vehicle. Currently, the amount of the fee that is based
87 10 on value is reduced to 75 percent of the rate as fixed when
87 11 the vehicle was new if the vehicle is more than five model
87 12 years old and 50 percent if the vehicle is more than six model
87 13 years old. When the vehicle is nine model years old or older,
87 14 the registration fee drops to \$35. In addition, certain older
87 15 vehicles that fall under prior fee schedules pay more modest
87 16 fees of \$16, \$23, or \$27. The bill provides an expanded
87 17 schedule for fee reductions as follows: When the vehicle is
87 18 more than seven model years old, the amount of the fee based
87 19 on value is 75 percent of the rate as fixed when the vehicle
87 20 was new; when the vehicle is more than nine model years old,
87 21 that amount is 50 percent; when the vehicle is 12 model years
87 22 old or older, the fee drops to \$50. However, under the bill,
87 23 if the registration fee under the new rate schedule is higher
87 24 than the owner paid for the same vehicle in the previous
87 25 registration year, the fee will be the fee from the previous
87 26 year. The owner of a vehicle currently paying a fee of less
87 27 than \$50 will continue to pay that fee for as long as they own
87 28 the vehicle. The fee for a vehicle registered by the owner as
87 29 an antique vehicle prior to January 1, 2009, will be \$23 for
87 30 models 1970=1983 and \$16 for model years 1969 and older.
87 31 Fees for special trucks for farm use, which are registered
87 32 for a gross weight of six tons through 32 tons, are increased
87 33 under the bill. For a gross weight of six tons, the fee is
87 34 increased from \$80 to \$100; for a gross weight of seven tons,
87 35 from \$100 to \$125; and for a gross weight of eight tons, from



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88 1 \$120 to \$155. Fees for special trucks with a gross weight of
88 2 nine through 18 tons are established as follows: nine tons,
88 3 \$170; 10 tons, \$190; 11 tons, \$205; 12 tons, \$225; 13 tons,
88 4 \$245; 14 tons, \$265; 15 tons, \$280; 16 tons, \$295; 17 tons,
88 5 \$305; and 18 tons, \$315. The fees are effective beginning
88 6 with the 2009 registration year.

88 7 The bill also revises the flat fee schedule for motor
88 8 trucks registered for a combined gross weight, including
88 9 business=trade trucks. For a combined gross weight of three
88 10 tons or less, the fee is increased from \$65 to \$150.
88 11 Registration fees for a combined gross weight exceeding three
88 12 tons and up to eight tons are increased as follows: For more
88 13 than three tons but not more than four tons, the fee is
88 14 increased from \$80 to \$150; for more than four tons but not
88 15 more than five tons, from \$90 to \$160; for more than five tons
88 16 but not more than six tons, from \$105 to \$170; for more than
88 17 six tons but not more than seven tons, from \$130 to \$180; and
88 18 for more than seven tons but not more than eight tons, from
88 19 \$165 to \$190. The new fees apply for vehicles registered by a
88 20 new owner for a 2009 or subsequent registration year. Current
88 21 owners will continue to pay the fee they paid for the 2008
88 22 registration year for as long as they own the vehicle.

88 23 This division of the bill takes effect January 1, 2009, and
88 24 applies to vehicles registered for registration years
88 25 beginning in 2009 and subsequent years.

88 26 DIVISION II == DRIVER'S LICENSE FEES. The bill increases
88 27 the fee for a noncommercial driver's license from \$4 to \$7 per
88 28 year of license validity, for a chauffeur's license from \$8 to
88 29 \$13 per year of license validity, and for a commercial
88 30 driver's license from \$8 to \$13 per year of license validity.
88 31 The additional fee required for a license valid for the
88 32 operation of a motorcycle is increased from \$1 to \$2 per year
88 33 of license validity.

88 34 The bill requires the treasurer of state, prior to
88 35 distributing moneys under the road use tax fund formula, to



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89 1 credit monthly to the TIME=21 fund an amount equal to the
89 2 revenues attributable to the increase in driver's license
89 3 fees. The provision crediting revenues to the TIME=21 fund is
89 4 repealed and new revenues will revert to the road use tax fund
89 5 on June 30, 2028. Pursuant to current law, the TIME=21 fund
89 6 is scheduled to be dissolved on that date.

89 7 DIVISION III == TITLE FEES. The bill increases the fee
89 8 charged for issuance of a certificate of title from \$10 to
89 9 \$20. The fees for a salvage certificate of title and for a
89 10 title for a motor vehicle returned to a manufacturer are
89 11 increased from \$2 to \$10.

89 12 The bill requires the treasurer of state, prior to
89 13 distributing moneys under the road use tax fund formula, to
89 14 credit monthly to the TIME=21 fund an amount equal to the
89 15 revenues attributable to the increase in title fees. The
89 16 provision crediting revenues to the TIME=21 fund is repealed
89 17 and new revenues will revert to the road use tax fund on June
89 18 30, 2028. Pursuant to current law, the TIME=21 fund is
89 19 scheduled to be dissolved on that date.

89 20 DIVISION IV == TRAILER REGISTRATION FEES. The bill
89 21 increases the fee charged for registration of trailers.
89 22 Currently, most trailers other than farm trailers and trailers
89 23 registered for the combined gross weight of the vehicle are
89 24 subject to a \$10 registration fee. The bill increases the fee
89 25 to \$20 for such trailers with an empty weight of 2,000 pounds
89 26 or less, and \$30 for such trailers with an empty weight in
89 27 excess of 2,000 pounds.

89 28 The bill requires the treasurer of state, prior to
89 29 distributing moneys under the road use tax fund formula, to
89 30 credit monthly to the TIME=21 fund an amount equal to the
89 31 revenues attributable to the increase in trailer registration
89 32 fees. The provision crediting revenues to the TIME=21 fund is
89 33 repealed and new revenues will revert to the road use tax fund
89 34 on June 30, 2028. Pursuant to current law, the TIME=21 fund
89 35 is scheduled to be dissolved on that date.



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90 1 This division of the bill takes effect January 1, 2009, and
90 2 applies to trailers registered for registration years
90 3 beginning in 2009 and subsequent years.

90 4 DIVISION V == TIME=21 FUNDING ANALYSIS. The bill requires
90 5 the department of transportation to analyze additional
90 6 revenues necessary to provide at least \$200 million annually
90 7 to the TIME=21 fund by FY 2011=2012, including an analysis of
90 8 sources of revenue to create a balance of taxes and fees paid
90 9 by Iowa drivers and out-of-state drivers. A report of the
90 10 analysis is required to be submitted to the governor and the
90 11 general assembly on or before December 31, 2009.

90 12 DIVISION VI == USE TAX ON MOTOR VEHICLES REPEALED == FEE
90 13 FOR NEW REGISTRATION IMPOSED. This division of the bill
90 14 eliminates the imposition of the use tax on motor vehicles
90 15 subject to registration and the use tax on leased motor
90 16 vehicles, provides alternate sources of revenue for purposes
90 17 currently funded from revenues derived from the motor vehicle
90 18 use tax, and establishes a one-time motor vehicle registration
90 19 fee called the "fee for new registration".

90 20 PART 1 == ROAD USE TAX FUND. Currently, there are several
90 21 purposes for which motor vehicle use taxes are allocated which
90 22 are not eligible under Iowa's constitution for funding from
90 23 motor vehicle registration fees. The bill addresses those
90 24 funding needs as follows:

90 25 1. Prior to allocation from the road use tax fund, an
90 26 amount equal to 10 percent of the revenue collected from the
90 27 fee for new registration on vehicles other than leased motor
90 28 vehicles is to be credited to the primary road fund to be used
90 29 for the commercial and industrial highway network.

90 30 2. An amount equal to 4 percent of the revenue collected
90 31 from the fee for new registration is to be credited for
90 32 purposes of public transit assistance from revenues derived
90 33 from driver's license fees, title fees, and title fee
90 34 surcharges.

90 35 3. An amount equal to \$1 per year of license validity for



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91 1 each issued or renewed driver's license valid for the
91 2 operation of a motorcycle shall be credited to the motorcycle
91 3 rider education fund from revenues derived from driver's
91 4 license fees, title fees, and title fee surcharges.

91 5 4. Amounts required to be transferred from the sale of
91 6 special motor vehicle registration plates for the various
91 7 purposes associated with those plates are to be credited from
91 8 revenues derived from driver's license fees, title fees, and
91 9 title fee surcharges.

91 10 5. Amounts required for certain projects on bridges over
91 11 rivers bordering the state, which are not eligible for funding
91 12 from the road use tax fund, may be credited to the primary
91 13 road fund from funds derived from trailer registration fees.

91 14 6. Deposits of up to \$17 million per year to the Iowa
91 15 petroleum underground storage tank fund are to be made
91 16 directly from revenues derived from the environmental
91 17 protection charge imposed upon petroleum diminution.

91 18 7. Amounts of up to \$2 million per year for payments on
91 19 obligations certified by the railway finance authority and
91 20 lease payments guaranteed by the authority continue to be
91 21 available from use taxes under the bill.

91 22 The bill provides that revenues from the automobile rental
91 23 excise tax may be used to supplement the funding available to
91 24 meet the statutory requirements for public transit assistance,
91 25 the motorcycle rider education fund, and purposes of special
91 26 registration plates.

91 27 PART 2 == FEE FOR NEW VEHICLE REGISTRATION. The bill
91 28 establishes a new vehicle registration fee, referred to as the
91 29 "fee for new registration", which amounts to 5 percent of the
91 30 purchase price of a vehicle subject to registration, or 5
91 31 percent of the leased price for each vehicle subject to
91 32 registration with a gross vehicle weight rating of less than
91 33 16,000 pounds, excluding motorcycles and motorized bicycles,
91 34 which is leased for 12 months or more. The imposition of the
91 35 fee for new registration is subject to the same exemptions



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92 1 currently applicable to the use tax on vehicles. The bill
92 2 provides that the computation of a vehicle's purchase price
92 3 for purposes of the fee for new registration mirrors the
92 4 computation of "sales price" under current use tax provisions.
92 5 The director of revenue, in consultation with the department
92 6 of transportation, shall administer and enforce the fee for
92 7 new registration as nearly as possible in conjunction with the
92 8 administration and enforcement of the use tax law.

92 9 The fee for new registration is payable to the county
92 10 treasurer at the time application is made for a new
92 11 registration and certificate of title for a vehicle. As is
92 12 currently the case with the vehicle use tax, the county
92 13 treasurer shall retain \$1 from the collection of a fee for new
92 14 registration, to be deposited in the county general fund. The
92 15 bill provides a mechanism for collection of the fee by
92 16 licensed vehicle dealers at the time a vehicle is purchased
92 17 and provisions for obtaining a refund of a fee. The bill
92 18 provides that a person who makes a false statement regarding
92 19 the purchase price of a vehicle commits a fraudulent practice
92 20 and is subject to the same penalties that applied for purposes
92 21 of the use tax on vehicles.

92 22 PART 3 == MOTOR VEHICLE USE TAX == REPEAL. The bill
92 23 repeals the use tax on vehicles subject to registration and
92 24 the motor vehicle lease tax, except for the tax on the use of
92 25 leased vehicles if the lease transaction does not require
92 26 titling and registration of the vehicle. The use tax on
92 27 vehicles subject only to a certificate of title, which applies
92 28 to mobile homes, and on manufactured homes is retained under
92 29 the bill. The resulting revenue is deposited into the road
92 30 use tax fund.

92 31 PART 4 == CONFORMING AMENDMENTS. The bill contains
92 32 conforming amendments to the Code relating to provisions in
92 33 the bill.

92 34 LSB 6422XC 82
92 35 dea/nh/24.2



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SENATE FILE
 BY (PROPOSED COMMITTEE ON
 COMMERCE BILL BY
 CHAIRPERSON WARNSTADT)

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

Passed House, Date _____
 Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act providing for life settlement arrangements, providing
 2 penalties, providing for fees, and providing an effective
 3 date.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 5 TL5B 5896XC 82
 6 da/rj/24



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1 1 DIVISION I
1 2 LIFE SETTLEMENT CONTRACTS
1 3 Section 1. NEW SECTION. 508G.1 SHORT TITLE.
1 4 This chapter may be cited as the "Life Settlements Act".
1 5 Sec. 2. NEW SECTION. 508G.2 DEFINITIONS.
1 6 As used in this chapter, unless the context otherwise
1 7 requires:
1 8 1. "Advertisement" means any written, electronic, or
1 9 printed communication or any communication by means of
1 10 recorded telephone messages or transmitted on radio,
1 11 television, the internet, or similar communications media,
1 12 including film strips, motion pictures, and videos, published,
1 13 disseminated, circulated, or placed before the public,
1 14 directly or indirectly, for the purpose of creating an
1 15 interest in or inducing a person to purchase or sell, assign,
1 16 devise, bequest, or transfer the death benefit or ownership of
1 17 a life insurance policy or an interest in a life insurance
1 18 policy pursuant to a life settlement contract.
1 19 2. "Broker" means a person who, on behalf of an owner and
1 20 for a fee, commission or other valuable consideration, offers
1 21 or attempts to negotiate a life settlement contract between an
1 22 owner and a provider. A broker represents only the owner and
1 23 owes a fiduciary duty to the owner to act according to the
1 24 owner's instructions, and in the best interest of the owner,
1 25 notwithstanding the manner in which the broker is compensated.
1 26 A broker does not include an attorney, certified public
1 27 accountant, or financial planner retained in the type of
1 28 practice customarily performed in the attorney's,
1 29 accountant's, or planner's professional capacity to represent
1 30 the owner whose compensation is not paid directly or
1 31 indirectly by the provider or any other person, except the
1 32 owner.
1 33 3. "Business of life settlement" means an activity
1 34 involved in but not limited to offering to enter into,
1 35 soliciting, negotiating, procuring, effectuating, monitoring,



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2 1 or tracking, of life settlement contracts.
2 2 4. "Chronically ill" means any of the following:
2 3 a. Being unable to perform at least two activities of
2 4 daily living such as eating, toileting, transferring, bathing,
2 5 dressing, or continence.
2 6 b. Requiring substantial supervision to protect the
2 7 individual from threats to health and safety due to severe
2 8 cognitive impairment.
2 9 c. Having a level of disability similar to that described
2 10 in paragraph "a" as determined by the United States secretary
2 11 of health and human services.
2 12 5. "Commissioner" means the commissioner of insurance.
2 13 6. a. "Financing entity" means a person who is an
2 14 underwriter, placement agent, lender, purchaser of securities,
2 15 purchaser of a policy or certificate from a provider, credit
2 16 enhancer, or any entity that has a direct ownership in a
2 17 policy or certificate that is the subject of a life settlement
2 18 contract, if all of the following apply:
2 19 (1) The person's principal activity related to the
2 20 transaction is providing funds to effect the life settlement
2 21 contract or purchase of one or more policies.
2 22 (2) The person has an agreement in writing with one or
2 23 more providers to finance the acquisition of one or more life
2 24 settlement contracts.
2 25 b. "Financing entity" does not include a nonaccredited
2 26 investor or purchaser.
2 27 7. "Financing transaction" means a transaction in which a
2 28 licensed provider obtains financing from a financing entity
2 29 including but not limited to any secured or unsecured
2 30 financing, any securitization transaction, or any securities
2 31 offering which either is registered or exempt from
2 32 registration under federal and state securities law, including
2 33 chapter 502.
2 34 8. "Fraudulent life settlement act" includes any of the
2 35 following:



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3 1 a. An act or omission committed by a person who, knowingly
3 2 and with intent to defraud, for the purpose of depriving
3 3 another of property or for pecuniary gain, commits, or permits
3 4 its employees or its agents to engage in, an act including but
3 5 not limited to any of the following:

- 3 6 (1) Presenting, causing to be presented, or preparing with
3 7 knowledge and belief that it will be presented to or by a
3 8 provider, premium finance lender, broker, insurer, insurance
3 9 producer, or any other person, false material information, or
3 10 concealing material information, as part of, in support of, or
3 11 concerning a fact material to one or more of the following:
 - 3 12 (a) An application for the issuance of a life settlement
3 13 contract or insurance policy.
 - 3 14 (b) The underwriting of a life settlement contract or
3 15 insurance policy.
 - 3 16 (c) A claim for payment or benefit pursuant to a life
3 17 settlement contract or life insurance policy.
 - 3 18 (d) Premiums paid on a life insurance policy.
 - 3 19 (e) Payments and changes in ownership or beneficiary made
3 20 in accordance with the terms of a life settlement contract or
3 21 life insurance policy.
 - 3 22 (f) The reinstatement or conversion of a life insurance
3 23 policy.
 - 3 24 (g) In the solicitation, offer to enter into, or
3 25 effectuation of a life settlement contract or life insurance
3 26 policy.
 - 3 27 (h) The issuance of written evidence of a life settlement
3 28 contract or life insurance policy.
 - 3 29 (i) Any application for or the existence of, or any
3 30 payments related to, a loan secured directly or indirectly by
3 31 any interest in a life insurance policy.
 - 3 32 (j) A stranger-originated life insurance policy.
- 3 33 (2) Failing to disclose to the insurer where the request
3 34 for such disclosure has been asked for by the insurer that the
3 35 prospective insured has undergone a life expectancy evaluation



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4 1 by any person or entity other than the insurer or its
4 2 authorized representatives in connection with the issuance of
4 3 the life insurance policy.
4 4 (3) Employing any device, scheme, or artifice to defraud
4 5 in the business of life settlements.
4 6 (4) In the solicitation, application or issuance of a life
4 7 insurance policy, employing any device, scheme or artifice in
4 8 violation of state insurable interest laws.
4 9 b. In the furtherance of a fraud, or to prevent the
4 10 detection of a fraud, a person commits or permits its employee
4 11 or its agent to do any of the following:
4 12 (1) Remove, conceal, alter, destroy, or sequester from the
4 13 commissioner the assets or records of a licensee or other
4 14 person engaged in the business of life settlements.
4 15 (2) Misrepresent or conceal the financial condition of a
4 16 licensee, financing entity, insurer, or other person.
4 17 (3) Transact the business of life settlements in violation
4 18 of laws requiring a license, certificate of authority, or
4 19 other legal authority for the transaction of the business of
4 20 life settlements.
4 21 (4) File with the commissioner or the chief insurance
4 22 regulatory official of another jurisdiction a document
4 23 containing false information or otherwise concealing
4 24 information about a material fact from the commissioner.
4 25 (5) Engage in embezzlement, theft, misappropriation, or
4 26 conversion of moneys, funds, premiums, credits, or other
4 27 property of a provider, broker insurer, insured, owner, or any
4 28 other person engaged in the business of life settlement
4 29 contracts or insurance policy.
4 30 (6) Knowingly and with intent to defraud, enter into,
4 31 broker, or otherwise deal in a life settlement contract, the
4 32 subject of which is a life insurance policy that was obtained
4 33 by presenting false information concerning any fact material
4 34 to the life insurance policy or by concealing, for the purpose
4 35 of misleading another, information concerning any fact



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5 1 material to the life insurance policy, where the owner or the
5 2 owner's agent intended to defraud the life insurance policy's
5 3 issuer.

5 4 (7) Attempt to commit, assist, aid, or abet in the
5 5 commission of, or conspiracy to commit an act or omission
5 6 specified in this subsection.

5 7 (8) Misrepresent the state of residence of an owner to be
5 8 a state or jurisdiction that does not have a law substantially
5 9 similar to this chapter for the purpose of evading or avoiding
5 10 the provisions of this chapter.

5 11 9. "Insured" means the person covered under the life
5 12 insurance policy being considered for sale in a life
5 13 settlement contract.

5 14 10. "Life expectancy" means the arithmetic mean of the
5 15 number of months the insured under the life insurance policy
5 16 to be settled can be expected to live as determined by a life
5 17 expectancy company considering medical records and appropriate
5 18 experiential data.

5 19 11. "Life insurance policy" means an individual or group
5 20 policy, group certificate, contract, or arrangement of life
5 21 insurance owned by a resident of this state, regardless of
5 22 whether delivered or issued for delivery in this state.

5 23 12. "Life insurance producer" or "producer" means any
5 24 person licensed in this state as a resident or nonresident
5 25 insurance producer who has received qualification or authority
5 26 for life insurance coverage or a life line of coverage
5 27 pursuant to title XIII, subtitle I of the Code.

5 28 13. a. "Life settlement contract" means a written
5 29 agreement entered into between a provider and an owner,
5 30 establishing the terms under which compensation or anything of
5 31 value will be paid, which compensation or thing of value is
5 32 less than the expected death benefit of the life insurance
5 33 policy or life insurance certificate, in return for the
5 34 owner's assignment, transfer, sale, devise, or bequest of the
5 35 death benefit or any portion of a life insurance policy or



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6 1 life insurance certificate for compensation, provided,
6 2 however, that the minimum value for a life settlement contract
6 3 shall be greater than a cash surrender value or accelerated
6 4 death benefit available at the time of an application for a
6 5 life settlement contract.

6 6 b. "Life settlement contract" also includes the transfer
6 7 for compensation or value of ownership or beneficial interest
6 8 in a trust or other entity that owns such policy if the trust
6 9 or other entity was formed or availed of for the principal
6 10 purpose of acquiring one or more life insurance contracts,
6 11 which life insurance contract insures the life of a person
6 12 residing in this state.

6 13 c. "Life settlement contract" also includes any of the
6 14 following:

6 15 (1) A written agreement for a loan or other lending
6 16 transaction, secured primarily by an individual or group life
6 17 insurance policy.

6 18 (2) A premium finance loan made for a life insurance
6 19 policy on or before the date of issuance of the life insurance
6 20 policy where any of the following applies:

6 21 (a) The loan proceeds are not used solely to pay premiums
6 22 for the life insurance policy and any costs or expenses
6 23 incurred by the lender or the borrower in connection with the
6 24 financing.

6 25 (b) The owner receives on the date of the premium finance
6 26 loan a guarantee of the future life settlement value of the
6 27 life insurance policy.

6 28 (c) The owner agrees on the date of the premium finance
6 29 loan to sell the life insurance policy or any portion of its
6 30 death benefit on any date following the issuance of the life
6 31 insurance policy.

6 32 d. "Life settlement contract" does not include any of the
6 33 following:

6 34 (1) A life insurance policy loan by a life insurance
6 35 company pursuant to the terms of the life insurance policy or



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7 1 accelerated death provisions contained in the life insurance
7 2 policy, whether issued with the original life insurance policy
7 3 or as a rider.

7 4 (2) A premium finance loan or any loan made by a bank or
7 5 other licensed financial institution, provided that a default
7 6 on such loan or a transfer of the life insurance policy in
7 7 connection with such default is pursuant to an agreement or
7 8 understanding with any other person for the purpose of evading
7 9 regulation under this chapter.

7 10 (3) A collateral assignment of a life insurance policy by
7 11 an owner.

7 12 (4) A loan made by a lender, provided such loan is not
7 13 described in paragraph "c", and is not otherwise a life
7 14 settlement contract.

7 15 (5) An agreement where all the parties (a) are closely
7 16 related to the insured by blood or law or (b) have a lawful
7 17 substantial economic interest in the continued life, health,
7 18 and bodily safety of the person insured, or are trusts
7 19 established primarily for the benefit of such parties.

7 20 (6) Any designation, consent, or agreement by an insured
7 21 who is an employee of an employer in connection with the
7 22 purchase by the employer, or trust established by the
7 23 employer, of life insurance on the life of the employee.

7 24 (7) A bona fide business succession planning arrangement
7 25 that is between any of the following:

7 26 (a) One or more shareholders in a corporation or between a
7 27 corporation and one or more of its shareholders or one or more
7 28 trusts established by its shareholders.

7 29 (b) One or more partners in a partnership or between a
7 30 partnership and one or more of its partners or one or more
7 31 trusts established by its partners.

7 32 (c) One or more members in a limited liability company or
7 33 between a limited liability company and one or more of its
7 34 members or one or more trusts established by its members.

7 35 (8) An agreement entered into by a service recipient, or a



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8 1 trust established by the service recipient, and a service
8 2 provider, or a trust established by the service provider, who
8 3 performs significant services for the service recipient's
8 4 trade or business.

8 5 (9) Any other contract, transaction, or arrangement that
8 6 qualifies as a life settlement contract but that the
8 7 commissioner determines is not of the type intended to be
8 8 regulated by this chapter.

8 9 14. "Net death benefit" means the amount of the life
8 10 insurance policy or life insurance certificate to be settled
8 11 less any outstanding debts or liens.

8 12 15. "Owner" means the owner of a life insurance policy or
8 13 a life insurance certificate holder under a group policy, with
8 14 or without a terminal illness, who enters or seeks to enter
8 15 into a life settlement contract.

8 16 a. "Owner" includes but is not limited to an owner of a
8 17 life insurance policy or a life insurance certificate holder
8 18 under a group policy that insures the life of an individual
8 19 with a terminal or chronic illness or condition.

8 20 b. "Owner" does not include any of the following:

8 21 (1) A provider or other licensee under this chapter.

8 22 (2) A qualified institutional buyer as defined in 17
8 23 C.F.R. } 230.144 promulgated by the United States securities
8 24 and exchange commission under the federal Securities Act of
8 25 1933, as amended, 15 U.S.C. } 77a et seq.

8 26 (3) A financing entity.

8 27 (4) A special purpose entity.

8 28 (5) A related provider trust.

8 29 16. "Premium finance loan" means a loan made primarily for
8 30 the purposes of making premium payments on a life insurance
8 31 policy, which loan is secured by an interest in such life
8 32 insurance policy.

8 33 17. a. "Provider" means a person, other than an owner,
8 34 who enters into or effectuates a life settlement contract with
8 35 an owner.



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- 9 1 b. "Provider" does not include any of the following:
- 9 2 (1) A bank, savings bank, savings and loan association, or
9 3 credit union.
- 9 4 (2) A licensed lending institution or creditor or secured
9 5 party pursuant to a premium finance loan agreement which takes
9 6 an assignment of a life insurance policy or certificate issued
9 7 pursuant to a group life insurance policy as collateral for a
9 8 loan.
- 9 9 (3) The insurer of a life insurance policy or rider to the
9 10 extent of providing accelerated death benefits, riders, or
9 11 cash surrender value.
- 9 12 (4) A natural person who enters into or effectuates not
9 13 more than one agreement in a calendar year for the transfer of
9 14 a life insurance policy or certificate issued pursuant to a
9 15 group life insurance policy, for compensation or anything of
9 16 value less than the expected death benefit payable under the
9 17 policy.
- 9 18 (5) A purchaser.
- 9 19 (6) An authorized or eligible insurer that provides stop
9 20 loss coverage to a provider, purchaser, financing entity,
9 21 special purpose entity, or related provider trust.
- 9 22 (7) A financing entity.
- 9 23 (8) A special purpose entity.
- 9 24 (9) A related provider trust.
- 9 25 (10) A broker.
- 9 26 (11) An accredited investor or qualified institutional
9 27 buyer as defined, respectively, in 17 C.F.R. } 230.501(a) or
9 28 17 C.F.R. } 230.144A as promulgated by the United States
9 29 securities and exchange commission under the federal
9 30 Securities Act of 1933, as amended, 15 U.S.C. } 77a et seq.,
9 31 who purchases a life settlement policy from a provider.
- 9 32 18. "Purchased policy" means a policy or group certificate
9 33 that has been acquired by a provider pursuant to a life
9 34 settlement contract.
- 9 35 19. "Purchaser" means a person who pays compensation or



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10 1 anything of value as consideration for a beneficial interest
10 2 in a trust which is vested with, or for the assignment,
10 3 transfer or sale of, an ownership or other interest in a life
10 4 insurance policy or a certificate issued pursuant to a group
10 5 life insurance policy which has been the subject of a life
10 6 settlement contract.

10 7 20. a. "Related provider trust" means a titling trust or
10 8 other trust established by a licensed provider or a financing
10 9 entity for the sole purpose of holding the ownership or
10 10 beneficial interest in purchased policies in connection with a
10 11 financing transaction.

10 12 b. In order to qualify as a related provider trust, the
10 13 trust must have a written agreement with the licensed provider
10 14 under which the licensed provider is responsible for ensuring
10 15 compliance with all statutory and regulatory requirements and
10 16 under which the trust agrees to make all records and files
10 17 relating to life settlement transactions available to the
10 18 commissioner as if those records and files were maintained
10 19 directly by the licensed provider.

10 20 21. "Settled policy" means a life insurance policy or life
10 21 insurance certificate that has been acquired by a provider
10 22 pursuant to a life settlement contract.

10 23 22. "Special purpose entity" means a corporation,
10 24 partnership, trust, limited liability company, or other legal
10 25 entity formed solely to provide, either directly or
10 26 indirectly, access to institutional capital markets as
10 27 follows:

10 28 a. For a financing entity or provider.

10 29 b. In connection with a transaction in which the
10 30 securities in the special purpose entity are acquired by the
10 31 owner or by a qualified institutional buyer as defined in 17
10 32 C.F.R. } 230.144 promulgated by the United States securities
10 33 and exchange commission under the federal Securities Act of
10 34 1933, as amended, 15 U.S.C. } 77a et seq.

10 35 c. In connection with a transaction in which the



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11 1 securities pay a fixed rate of return commensurate with
11 2 established asset-backed institutional capital markets.
11 3 23. "Stranger-originated life insurance" means the
11 4 procurement of new life insurance by persons or entities that
11 5 lack insurable interest on the insured and, at policy
11 6 inception, such person or entity owns or controls the policy
11 7 or the majority of the death benefit in the life insurance
11 8 policy and the insured or the insured's beneficiaries receive
11 9 little or none of the proceeds of the death benefits of the
11 10 life insurance policy.

11 11 24. "Terminally ill" means having an illness or sickness
11 12 that can reasonably be expected to result in death in
11 13 twenty-four months or less.

11 14 Sec. 3. NEW SECTION. 508G.3 LICENSING REQUIREMENTS.

11 15 1. A person, wherever located, shall not act as a provider
11 16 or broker with an owner or multiple owners residing in this
11 17 state, without first having obtained a license from the
11 18 commissioner. If there is more than one owner on a single
11 19 policy and the owners are residents of different states, the
11 20 life settlement contract shall be governed by the law of the
11 21 state in which the owner having the largest percentage
11 22 ownership resides or, if the owners hold equal ownership, the
11 23 state of residence of one owner agreed upon in writing by all
11 24 owners.

11 25 2. An application for a provider or broker license shall
11 26 be made to the commissioner by the applicant on a form
11 27 prescribed by the commissioner, and the application shall be
11 28 accompanied by a fee in an amount established by the
11 29 commissioner, provided, however, that a license or renewal fee
11 30 for a provider license shall be reasonable and that a license
11 31 or renewal fee for a broker license shall not exceed the fee
11 32 established for an insurance producer.

11 33 3. A life insurance producer who has been duly licensed as
11 34 a resident insurance producer with a life line of authority in
11 35 this state or in the life insurance producer's home state for



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12 1 at least one year and is licensed as a nonresident producer in
12 2 this state shall be deemed to meet the licensing requirements
12 3 of this section and shall be permitted to operate as a broker.

12 4 4. Not later than thirty days from the first day of
12 5 operating as a broker, the life insurance producer shall
12 6 notify the commissioner that the life insurance producer is
12 7 acting as a broker on a form prescribed by the commissioner,
12 8 and shall pay an applicable fee established by rules adopted
12 9 by the commissioner. Notification shall include an
12 10 acknowledgment by the life insurance producer that the life
12 11 insurance producer will operate as a broker in accordance with
12 12 this chapter.

12 13 5. The insurer that issued the life insurance policy that
12 14 is the subject of a life settlement contract shall not be
12 15 responsible for any act or omission of a broker, provider, or
12 16 purchaser arising out of or in connection with the life
12 17 settlement transaction, unless the insurer receives
12 18 compensation for the placement of a life settlement contract
12 19 from the broker, provider, or purchaser in connection with the
12 20 life settlement contract.

12 21 6. A person licensed as an attorney, certified public
12 22 accountant, or financial planner accredited by a nationally
12 23 recognized accreditation agency, who is retained to represent
12 24 the owner, whose compensation is not paid directly or
12 25 indirectly by the provider or purchaser, may negotiate life
12 26 settlement contracts on behalf of the owner without having to
12 27 obtain a license as a broker.

12 28 7. The term of a provider license shall be equal to that
12 29 of a domestic stock life insurance company and the term of a
12 30 broker license shall be equal to that of an insurance producer
12 31 license. A license requiring periodic renewal may be renewed
12 32 on its anniversary date upon payment of the periodic renewal
12 33 fee as specified in subsection 2. A failure to pay a fee on
12 34 or before the renewal date shall result in revocation of the
12 35 license.



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13 1 8. The applicant shall provide such information as the
13 2 commissioner may require on forms prepared by the
13 3 commissioner. The commissioner may, at any time, require such
13 4 applicant to fully disclose the identity of its stockholders
13 5 except for a stockholder owning fewer than ten percent of the
13 6 shares of an applicant whose shares are publicly traded;
13 7 partners; officers; and employees. The commissioner may, in
13 8 the exercise of the commissioner's sole discretion, refuse to
13 9 issue such a license in the name of any person if not
13 10 satisfied that any officer, employee, stockholder, or partner
13 11 of the applicant who may materially influence the applicant's
13 12 conduct meets the standards of this chapter.

13 13 9. A license issued to a partnership, corporation, limited
13 14 liability company, or other entity authorizes a person who is
13 15 a member, officer, or designated employee to act as a licensee
13 16 under the license, if the person is named in the application
13 17 or a supplement to the application.

13 18 10. Upon the filing of an application and the payment of
13 19 the license fee, the commissioner shall make an investigation
13 20 of each applicant and may issue a license if the commissioner
13 21 finds that all of the following apply:

13 22 a. If the applicant is a provider, the applicant has
13 23 provided a detailed plan of operation.

13 24 b. The applicant is competent and trustworthy and intends
13 25 to transact its business in good faith.

13 26 c. The applicant has a good business reputation and has
13 27 had experience, training, or education so as to be qualified
13 28 in the business for which the license is applied.

13 29 d. If the applicant is a legal entity, is formed or
13 30 organized pursuant to the laws of this state or is a foreign
13 31 legal entity authorized to transact business in this state, or
13 32 provides a certificate of good standing from the state of its
13 33 domicile.

13 34 e. The applicant has provided to the commissioner an
13 35 antifraud plan that meets the requirements of section 508G.14



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14 1 and includes all of the following:

14 2 (1) A description of the procedures for detecting and
14 3 investigating a possible fraudulent act and procedure for
14 4 resolving material inconsistencies between a medical record
14 5 and insurance applications.

14 6 (2) A description of the procedures for reporting a
14 7 fraudulent insurance act to the commissioner.

14 8 (3) A description of the plan for antifraud education and
14 9 training of its underwriters and other personnel.

14 10 (4) A written description or chart outlining the
14 11 arrangement of the antifraud personnel who are responsible for
14 12 the investigation and reporting of a possible fraudulent
14 13 insurance act and investigating any unresolved material
14 14 inconsistency between a medical record and the insurance
14 15 application.

14 16 11. The commissioner shall not issue a license to a
14 17 nonresident applicant, unless a written designation of an
14 18 agent for service of process is filed and maintained with the
14 19 commissioner or unless the applicant has filed with the
14 20 commissioner the applicant's written irrevocable consent that
14 21 any action against the applicant may be commenced against the
14 22 applicant by service of process on the commissioner.

14 23 12. A licensee shall file with the commissioner on or
14 24 before the first day of March of each year an annual statement
14 25 containing such information as the commissioner by rule may
14 26 prescribe.

14 27 13. A provider shall not use any person to perform the
14 28 functions of a broker unless the person holds a license as a
14 29 broker as provided in this section.

14 30 14. A broker shall not use a person to perform the
14 31 functions of a provider unless such person holds a license as
14 32 a provider as provided in this section.

14 33 15. A provider or broker shall provide to the commissioner
14 34 new or revised information about an officer, ten percent or
14 35 more stockholders, a partner, director, members, or a



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15 1 designated employee within thirty days of a change.
15 2 16. An individual licensed as a broker shall complete on a
15 3 biennial basis fifteen hours of training related to a life
15 4 settlement or a life settlement transaction, as required by
15 5 the commissioner. However, a life insurance producer who is
15 6 operating as a broker pursuant to this section shall not be
15 7 subject to the requirements of this subsection. A person
15 8 failing to meet the requirements of this subsection shall be
15 9 subject to the penalties imposed by the commissioner.
15 10 Sec. 4. NEW SECTION. 508G.4 LICENSE SUSPENSION,
15 11 REVOCATION, OR REFUSAL TO RENEW.
15 12 1. The commissioner may suspend, revoke, or refuse to
15 13 renew the license of a licensee if the commissioner finds any
15 14 of the following:
15 15 a. There was any material misrepresentation in the
15 16 application for the license.
15 17 b. The licensee or any officer, partner, member, or
15 18 director has been guilty of a fraudulent or dishonest
15 19 practice, is subject to a final agency action under chapter
15 20 17A, or is otherwise shown to be untrustworthy or incompetent
15 21 to act as a licensee.
15 22 c. The provider demonstrates a pattern of unreasonably
15 23 withholding payments to policy owners.
15 24 d. The licensee no longer meets the requirements for
15 25 initial licensure.
15 26 e. The licensee or any officer, partner, member, or
15 27 director has been convicted of a felony, or of any misdemeanor
15 28 of which criminal fraud or moral turpitude is an element; or
15 29 the licensee has pleaded guilty or nolo contendere with
15 30 respect to any felony or any misdemeanor of which criminal
15 31 fraud or moral turpitude is an element, regardless of whether
15 32 a judgment of conviction has been entered by the court.
15 33 f. The provider has entered into a life settlement
15 34 contract that has not been approved pursuant to this chapter.
15 35 g. The provider has failed to honor contractual



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16 1 obligations set out in a life settlement contract.

16 2 h. The provider has assigned, transferred, or pledged a
16 3 settled policy to a person other than a provider licensed in
16 4 this state; a purchaser; an accredited investor or qualified
16 5 institutional buyer as defined, respectively, in 17 C.F.R. }
16 6 230.501(a) or 17 C.F.R. } 230.144A as promulgated by the
16 7 United States securities and exchange commission under the
16 8 federal Securities Act of 1933, as amended, 15 U.S.C. } 77a et
16 9 seq.; a financing entity; a special purpose entity; or a
16 10 related provider trust.

16 11 i. The licensee or any officer, partner, member, or key
16 12 management personnel has violated any of the provisions of
16 13 this chapter.

16 14 2. Before the commissioner denies a license application or
16 15 suspends, revokes, or refuses to renew the license of any
16 16 licensee under this chapter, the commissioner shall conduct a
16 17 contested case proceeding in accordance with chapter 17A.

16 18 Sec. 5. NEW SECTION. 508G.5 CONTRACT REQUIREMENTS.

16 19 1. A person shall not use any form of life settlement
16 20 contract in this state unless it has been filed with and
16 21 approved, if required, by the commissioner in a manner that
16 22 conforms with the filing procedures and any time restrictions
16 23 or deeming provisions, if any, for life insurance forms,
16 24 policies, and contracts.

16 25 2. An insurer shall not, as a condition of responding to a
16 26 request for verification of coverage or in connection with the
16 27 transfer of a life insurance policy pursuant to a life
16 28 settlement contract, require that the owner, insured provider,
16 29 or broker sign any form, disclosure, consent, waiver, or
16 30 acknowledgment that has not been expressly approved by the
16 31 commissioner for use in connection with life settlement
16 32 contracts in this state.

16 33 3. A person shall not use a life settlement contract form
16 34 or provide to an owner a disclosure statement form in this
16 35 state unless first filed with and approved by the



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17 1 commissioner. The commissioner shall disapprove a life
17 2 settlement contract form or disclosure statement form if, in
17 3 the commissioner's opinion, the contract or provisions
17 4 contained in such form fail to meet the requirements of
17 5 sections 508G.8, 508G.9, or 508G.11, or are unreasonable,
17 6 contrary to the interests of the public, or otherwise
17 7 misleading or unfair to the owner. At the commissioner's
17 8 discretion, the commissioner may require the submission of
17 9 advertising material.

17 10 Sec. 6. NEW SECTION. 508G.6 REPORTING REQUIREMENTS AND
17 11 PRIVACY.

17 12 1. For any life insurance policy settled within five years
17 13 of policy issuance, each provider shall file with the
17 14 commissioner on or before March 1 of each year an annual
17 15 statement containing such information as the commissioner may
17 16 prescribe by rule. In addition to any other requirements, the
17 17 annual statement shall specify the total number, aggregate
17 18 face amount, and life settlement proceeds of life insurance
17 19 policies settled during the immediately preceding calendar
17 20 year, together with a breakdown of the information by policy
17 21 issue year for each insurer.

17 22 a. Such information shall be limited to only those
17 23 transactions where the insured is a resident of this state and
17 24 shall not include individual transaction data regarding the
17 25 business of life settlements or information that there is a
17 26 reasonable basis to believe could be used to identify the
17 27 owner or the insured.

17 28 b. A provider that willfully fails to file an annual
17 29 statement as required in this section, or willfully fails to
17 30 reply within thirty days to a written inquiry by the
17 31 commissioner in connection to the filing of the annual
17 32 statement, shall, in addition to other penalties provided by
17 33 this chapter, be subject to a civil penalty of up to two
17 34 hundred fifty dollars per day of delay, not to exceed
17 35 twenty-five thousand dollars in the aggregate, for each such



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18 1 failure.

18 2 2. A provider, broker, insurer, insurance producer,
18 3 information bureau, rating agency, or company, or any other
18 4 person with actual knowledge of an insured's identity, shall
18 5 not disclose the identity of an insured or information that
18 6 there is a reasonable basis to believe could be used to
18 7 identify the insured or the insured's financial or medical
18 8 information to any other person unless the disclosure is any
18 9 of the following:

18 10 a. Necessary to effect a life settlement contract between
18 11 the owner and a provider and the owner and insured have
18 12 provided prior written consent to the disclosure.

18 13 b. Necessary to effectuate the sale of life settlement
18 14 contracts, or interest in a life insurance contract as an
18 15 investment, provided the sale is conducted in accordance with
18 16 applicable federal securities law, including chapter 502, and
18 17 provided further that the owner and the insured have both
18 18 provided prior written consent to the disclosure.

18 19 c. Is provided in response to an investigation or
18 20 examination by the commissioner or any other governmental
18 21 officer or agency or pursuant to the requirements of section
18 22 508G.13.

18 23 d. Is a term or condition to the transfer of a policy by
18 24 one provider to another provider, in which case the receiving
18 25 provider shall be required to otherwise comply with the
18 26 confidentiality requirements of this subsection.

18 27 e. (1) Is necessary to allow the provider or broker or
18 28 its authorized representatives to make a contact for the
18 29 purpose of determining health status. A provider or broker
18 30 shall require its authorized representative to agree in
18 31 writing to adhere to the privacy provisions of this chapter.

18 32 (2) An authorized representative does not include any
18 33 person who has or may have any financial interest in the life
18 34 settlement contract other than a provider, licensed broker,
18 35 financing entity, related provider trust, or special purpose



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19 1 entity.

19 2 f. Is required to purchase stop loss coverage.

19 3 3. Nonpublic personal information solicited or obtained in
19 4 connection with a proposed or actual life settlement contract
19 5 shall be subject to the provisions applicable to financial
19 6 institutions under the federal Gramm Leach Bliley Act, 15
19 7 U.S.C. } 6801 et seq., and all other federal and state laws
19 8 relating to confidentiality of nonpublic personal information.

19 9 Sec. 7. NEW SECTION. 508G.7 EXAMINATION.

19 10 1. The commissioner may, when the commissioner deems it
19 11 reasonably necessary to protect the interests of the public,
19 12 examine the business and affairs of any licensee or applicant
19 13 for a license. The commissioner may order any licensee or
19 14 applicant to produce any records, books, files, or other
19 15 information reasonably necessary to ascertain whether such
19 16 licensee or applicant is acting or has acted in violation of
19 17 the law or otherwise contrary to the interests of the public.
19 18 The expenses incurred in conducting any examination shall be
19 19 paid by the licensee or applicant.

19 20 2. In lieu of an examination under this section of any
19 21 foreign or alien licensee licensed in this state, the
19 22 commissioner may, at the commissioner's discretion, accept an
19 23 examination report on the licensee as prepared by the
19 24 commissioner for the licensee's state of domicile or
19 25 port-of-entry state.

19 26 3. Notwithstanding chapter 22, the name and individual
19 27 identification data for each owner and insured shall be
19 28 considered private and confidential information and shall not
19 29 be disclosed by the commissioner unless required by law.

19 30 4. The records of all consummated transactions and life
19 31 settlement contracts shall be maintained by the provider for
19 32 three years after the death of the insured and shall be
19 33 available to the commissioner for inspection during reasonable
19 34 business hours.

19 35 5. For the conduct of examinations, all of the following



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20 1 shall apply:

20 2 a. Upon determining that an examination is appropriate,
20 3 the commissioner shall issue an examination warrant appointing
20 4 one or more examiners to perform the examination and
20 5 instructing them as to the scope of the examination. In
20 6 conducting the examination, an examiner shall use methods
20 7 common to the examination of any life settlement licensee and
20 8 may use those guidelines and procedures set forth in an
20 9 examiners' handbook adopted by a national organization as
20 10 required by the commissioner.

20 11 b. A licensee or other person from whom information is
20 12 sought, its officers, directors, or agents shall provide to an
20 13 examiner timely, convenient, and free access at all reasonable
20 14 hours at its office to all books, records, accounts, papers,
20 15 documents, assets, and computer or other recordings relating
20 16 to the property, assets, business, and affairs of the licensee
20 17 or other person being examined. The officer, director,
20 18 employee, or agent of the licensee or other person shall
20 19 facilitate the examination and aid in the examination so far
20 20 as it is in the person's power to do so. The refusal of a
20 21 licensee, by an officer, director, employee, or agent, to
20 22 submit to examination or to comply with any reasonable written
20 23 request of the commissioner shall be grounds for suspension or
20 24 refusal of, or nonrenewal of any license or authority held by
20 25 the licensee to engage in the business of life settlements or
20 26 other business subject to the commissioner's jurisdiction.
20 27 Any proceedings for suspension, revocation, or refusal of a
20 28 license or authority shall be conducted pursuant to chapter
20 29 17A.

20 30 c. The commissioner may issue subpoenas, administer oaths,
20 31 and examine under oath any person as to any matter pertinent
20 32 to the examination. Upon the failure or refusal of a person
20 33 to obey a subpoena, the commissioner may petition a court of
20 34 competent jurisdiction, and upon proper showing, the court may
20 35 enter an order compelling the witness to appear and testify or



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21 1 produce documentary evidence.

21 2 d. When making an examination under this chapter, the
21 3 commissioner may retain one or more attorneys, appraisers,
21 4 independent actuaries, independent certified public
21 5 accountants, or other professionals and specialists as
21 6 examiners, the reasonable cost of which shall be borne by the
21 7 licensee that is the subject of the examination.

21 8 e. This chapter shall not be construed to limit the
21 9 commissioner's authority to terminate or suspend an
21 10 examination in order to pursue other legal or administrative
21 11 action pursuant to the insurance laws of this state. Findings
21 12 of fact and conclusions made pursuant to any examination shall
21 13 be prima facie evidence in any legal or regulatory action.

21 14 f. This chapter shall not be construed to limit the
21 15 commissioner's authority to use and, if appropriate, to make
21 16 public any final or preliminary examination report, any
21 17 examiner or licensee work papers or other documents, or any
21 18 other information discovered or developed during the course of
21 19 any examination in the furtherance of any legal or
21 20 administrative action which the commissioner may, in the
21 21 commissioner's sole discretion, deem appropriate.

21 22 6. For the examination report, all of the following apply:

21 23 a. An examination report shall be comprised of only facts
21 24 appearing upon the books, from the testimony of its officers
21 25 or agents or other persons examined concerning its affairs,
21 26 and such conclusions and recommendations as the examiners find
21 27 reasonably warranted from the facts.

21 28 b. Not later than sixty days following completion of the
21 29 examination, the examiner in charge shall file with the
21 30 commissioner a verified written report of examination under
21 31 oath. Upon receipt of the verified report, the commissioner
21 32 shall transmit the report to the licensee examined, together
21 33 with a notice that shall afford the licensee examined a
21 34 reasonable opportunity of not more than thirty days to make a
21 35 written submission or rebuttal with respect to any matter



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22 1 contained in the examination report and which shall become
22 2 part of the report or to request an administrative hearing on
22 3 any matter in dispute as provided in chapter 17A.

22 4 c. In the event the commissioner determines that
22 5 regulatory action is appropriate as a result of an
22 6 examination, the commissioner may initiate any proceeding or
22 7 action provided by law.

22 8 7. For the confidentiality of examination information, all
22 9 of the following apply:

22 10 a. The name and individual identification data for each
22 11 owner, purchaser, or insured shall be considered private and
22 12 confidential information and shall not be disclosed by the
22 13 commissioner, unless the disclosure is to another regulator or
22 14 is required by law.

22 15 b. Except as otherwise provided in this chapter, an
22 16 examination report, working papers, recorded information,
22 17 documents or materials, and copies produced by, obtained by,
22 18 or disclosed to the commissioner or any other person in the
22 19 course of an examination made under this chapter, or in the
22 20 course of analysis or investigation by the commissioner of the
22 21 financial condition or market conduct of a licensee shall be
22 22 confidential by law and privileged, shall not be subject to
22 23 chapter 22, shall not be subject to subpoena, and shall not be
22 24 subject to discovery or admissible in evidence in any private
22 25 civil action. The commissioner may use the examination
22 26 report, working papers, recorded information, documents,
22 27 materials, or other information in the furtherance of any
22 28 administrative or legal action brought as part of the
22 29 commissioner's official duties. The licensee being examined
22 30 may have access to all documents used to make the report.

22 31 8. For conflict of interest, all of the following apply:

22 32 a. An examiner shall not be appointed by the commissioner
22 33 if the examiner, either directly or indirectly, has a conflict
22 34 of interest or is affiliated with the management of or owns a
22 35 pecuniary interest in any person subject to examination under



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23 1 this chapter. This section shall not be construed to
23 2 automatically preclude an examiner from being any of the
23 3 following:
23 4 (1) An owner.
23 5 (2) An insured in a life settlement contract or life
23 6 insurance policy.
23 7 (3) A beneficiary in a life insurance policy that is
23 8 proposed for a life settlement contract.
23 9 b. Notwithstanding the requirements of this subsection,
23 10 the commissioner may retain from time to time, on an
23 11 individual basis, one or more qualified actuaries, certified
23 12 public accountants, or other similar individuals who are
23 13 independently practicing their professions, even though these
23 14 persons may from time to time be similarly employed or
23 15 retained by persons subject to examination under this chapter.
23 16 9. For immunity from liability, all of the following shall
23 17 apply:
23 18 a. A cause of action shall not arise and liability shall
23 19 not be imposed against the commissioner, the commissioner's
23 20 authorized representative, or any examiner appointed by the
23 21 commissioner for any statements made or conduct performed in
23 22 good faith while carrying out the provisions of this chapter.
23 23 b. A cause of action shall not arise, and liability shall
23 24 not be imposed, against any person for communicating or
23 25 delivering information or data to the commissioner or the
23 26 commissioner's authorized representative or examiner pursuant
23 27 to an examination made under this chapter, if the
23 28 communication or delivery was performed in good faith and
23 29 without fraudulent intent or the intent to deceive. This
23 30 paragraph does not abrogate or modify in any way any common
23 31 law or statutory privilege or immunity enjoyed by any person
23 32 identified in paragraph "a".
23 33 c. (1) A person identified in paragraph "a" or "b" shall
23 34 be entitled to an award of attorney fees and costs if the
23 35 person is the prevailing party in a civil cause of action for



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24 1 libel, slander, or any other relevant tort arising out of
24 2 activities in carrying out the provisions of this chapter and
24 3 the party bringing the action was not substantially justified
24 4 in doing so.

24 5 (2) For purposes of subparagraph (1), a proceeding is
24 6 substantially justified if it has a reasonable basis in law or
24 7 fact at the time that it was initiated.

24 8 10. The commissioner may investigate a suspected
24 9 fraudulent life settlement act and a person engaged in the
24 10 business of life settlements.

24 11 11. The commission by rule may establish reasonable costs
24 12 for examinations imposed upon a person.

24 13 Sec. 8. NEW SECTION. 508G.8 ADVERTISING.

24 14 1. A broker or provider licensed pursuant to this chapter
24 15 may conduct or participate in an advertisement within this
24 16 state. Such advertisement shall comply with all statutes or
24 17 rules adopted by the commissioner that are applicable to life
24 18 insurers or to brokers, and providers licensed pursuant to
24 19 this chapter.

24 20 2. An advertisement shall be accurate, truthful, and not
24 21 misleading in fact or by implication.

24 22 3. A person shall not do any of the following:

24 23 a. Directly or indirectly market, advertise, solicit, or
24 24 otherwise promote the purchase of a life insurance policy for
24 25 the sole purpose of or with an emphasis on settling the life
24 26 insurance policy.

24 27 b. Use the words "free", "no cost", or words of similar
24 28 import in the marketing, advertising, soliciting, or otherwise
24 29 promoting of the purchase of a life insurance policy.

24 30 Sec. 9. NEW SECTION. 508G.9 DISCLOSURES TO OWNERS.

24 31 1. A provider shall provide in writing, a separate
24 32 disclosure document that is signed by the owner and provider,
24 33 to the owner not later than the date the life settlement
24 34 contract is signed by all parties.

24 35 a. The disclosure document shall include all of the



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25 1 following information:

25 2 (1) That possible alternatives to life settlement
25 3 contracts exist including but not limited to accelerated
25 4 benefits offered by the issuer of the life insurance policy.

25 5 (2) That some or all of the proceeds of a life settlement
25 6 contract may be taxable and that assistance should be sought
25 7 from a professional tax advisor.

25 8 (3) That the proceeds from a life settlement contract
25 9 could be subject to the claims of creditors.

25 10 (4) That receipt of proceeds from a life settlement
25 11 contract may adversely affect the recipient's eligibility for
25 12 public assistance or other government benefits or entitlements
25 13 and that advice should be obtained from the appropriate
25 14 agencies.

25 15 (5) That the owner has a right to rescind a life
25 16 settlement contract within fifteen days of the date it is
25 17 executed by all parties and the owner has received the
25 18 disclosures required in this section. Rescission, if exercised
25 19 by the owner, is effective only if both notice of the rescision
25 20 is given, and the owner repays all proceeds and any premiums,
25 21 loans, and loan interest paid on account of the provider
25 22 within the rescision period. If the insured dies during the
25 23 rescision period, the contract shall be deemed to have been
25 24 rescinded subject to repayment by the owner or the owner's
25 25 estate of all proceeds and any premiums, loans, and loan
25 26 interest to the provider.

25 27 (6) That proceeds will be sent to the owner within three
25 28 business days after the provider has received the insurer or
25 29 group administrator's acknowledgment that ownership of the
25 30 life insurance policy or interest in the life insurance
25 31 certificate has been transferred and the beneficiary has been
25 32 designated in accordance with the terms of the life settlement
25 33 contract.

25 34 (7) That entering into a life settlement contract may
25 35 cause other rights or benefits, including conversion rights



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26 1 and waiver of premium benefits that may exist under the life
26 2 insurance policy or certificate of a group life insurance
26 3 policy, to be forfeited by the owner and that assistance
26 4 should be sought from a professional financial advisor.

26 5 (8) (a) The amount and method of calculating the
26 6 compensation paid or to be paid to the broker, or any other
26 7 person acting for the owner in connection with the
26 8 transaction.

26 9 (b) As used in subparagraph subdivision (a), compensation
26 10 includes anything of value paid or given.

26 11 (9) The date by which the funds will be available to the
26 12 owner and the transmitter of the funds.

26 13 (10) That the commissioner requires delivery of a buyer's
26 14 guide or a similar consumer advisory package in the form
26 15 prescribed by the commissioner to owners during the
26 16 solicitation process.

26 17 (11) The following language:

26 18 "All medical, financial, or personal information solicited
26 19 or obtained by a provider or broker about an insured,
26 20 including the insured's identity or the identity of family
26 21 members, a spouse, or a significant other may be disclosed as
26 22 necessary to effect the life settlement contract between the
26 23 owner and provider. If you are asked to provide this
26 24 information, you will be asked to consent to the disclosure.
26 25 The information may be provided to someone who buys the policy
26 26 or provides funds for the purchase. You may be asked to renew
26 27 your permission to share information every two years."

26 28 (12) That the commissioner requires providers and brokers
26 29 to print separate signed fraud warnings on their applications
26 30 and on their life settlement contracts as follows:

26 31 "Any person who knowingly presents false information in an
26 32 application for a life insurance policy or life settlement
26 33 contract is guilty of a crime and may be subject to fines and
26 34 confinement in prison."

26 35 (13) That the insured may be contacted by either the



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27 1 provider or broker or its authorized representative for the
27 2 purpose of determining the insured's health status or to
27 3 verify the insured's address. This contact is limited to once
27 4 every three months if the insured has a life expectancy of
27 5 more than one year, and no more than once per month if the
27 6 insured has a life expectancy of one year or less.

27 7 (14) The affiliation, if any, between the provider and the
27 8 issuer of the life insurance policy to be settled.

27 9 (15) That a broker represents exclusively the owner, and
27 10 not the insurer or the provider or any other person, and owes
27 11 a fiduciary duty to the owner, including a duty to act
27 12 according to the owner's instructions and in the best interest
27 13 of the owner.

27 14 (16) The name, address, and telephone number of the
27 15 provider.

27 16 (17) The name, business address, and telephone number of
27 17 the independent third-party escrow agent, and the fact that
27 18 the owner may inspect or receive copies of the relevant escrow
27 19 or trust agreements or documents.

27 20 (18) That a change of ownership could in the future limit
27 21 the insured's ability to purchase future insurance on the
27 22 insured's life because of a limit on the amount of coverage
27 23 insurers will issue on one life.

27 24 b. The written disclosure as provided in paragraph "a"
27 25 shall be conspicuously displayed in any life settlement
27 26 contract furnished to the owner by a provider including the
27 27 disclosure of any affiliations or contractual arrangements
27 28 between the provider and the broker.

27 29 2. A broker shall provide the owner and the provider with
27 30 at least the following disclosures not later than the date the
27 31 life settlement contract is signed by all parties. The
27 32 disclosures shall be conspicuously displayed in the life
27 33 settlement contract or in a separate document signed by the
27 34 owner and provide all of the following information:

27 35 a. The name, business address, and telephone number of the



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28 1 broker.

28 2 b. A full, complete, and accurate description of all the
28 3 offers, counteroffers, acceptances, and rejections relating to
28 4 the proposed life settlement contract.

28 5 c. A written disclosure of any affiliation or contractual
28 6 arrangement between the broker and any person making an offer
28 7 in connection with the proposed life settlement contract.

28 8 d. The name of each broker who receives compensation and
28 9 the amount of compensation received by that broker, which
28 10 compensation includes anything of value paid or given to the
28 11 broker in connection with the life settlement contract.

28 12 e. (1) A complete reconciliation of the gross offer or
28 13 bid by the provider to the net amount of proceeds or value to
28 14 be received by the owner.

28 15 (2) For the purpose of subparagraph (1), "gross offer" or
28 16 "bid" means the total amount or value offered by the provider
28 17 for the purchase of one or more life insurance policies,
28 18 inclusive of commissions and fees.

28 19 f. The failure to provide the disclosures or rights
28 20 described in this section is deemed an unfair trade practice
28 21 pursuant to section 508G.17.

28 22 Sec. 10. NEW SECTION. 508G.10 DISCLOSURE BY INSURER.

28 23 1. In addition to other questions an insurer may lawfully
28 24 pose to a life insurance applicant, insurers may inquire in
28 25 the application for insurance whether the proposed owner
28 26 intends to pay premiums with the assistance of financing from
28 27 a lender that will use the policy as collateral to support the
28 28 financing.

28 29 a. If, as described in the definition of life settlement
28 30 contract in section 508G.2, the loan provides funds which can
28 31 be used for a purpose other than paying for the premiums,
28 32 costs, and expenses associated with obtaining and maintaining
28 33 the life insurance policy and loan, the application shall be
28 34 rejected as a violation of the prohibited practices in section
28 35 508G.13.



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29 1 b. If the financing does not violate section 508G.13 in
29 2 the manner provided in paragraph "a", the insurer may do any
29 3 of the following:

29 4 (1) Make a disclosure, including but not limited to such
29 5 as the following, to the applicant and the insured, either on
29 6 the application or an amendment to the application to be
29 7 completed no later than the delivery of the policy:

29 8 "If you have entered into a loan arrangement where the life
29 9 insurance policy is used as collateral, and the life insurance
29 10 policy does change ownership at some point in the future in
29 11 satisfaction of the loan, the following may be true:

29 12 A change of ownership could lead to a stranger owning an
29 13 interest in the insured's life.

29 14 A change of ownership could in the future limit your
29 15 ability to purchase future insurance on the insured's life
29 16 because of a limit on the amount of coverage insurers will
29 17 issue on one life.

29 18 Should there be a change of ownership and you wish to
29 19 obtain more insurance coverage on the insured's life in the
29 20 future, the insured's higher issue age, a change in health
29 21 status, or other factors may reduce the ability to obtain
29 22 coverage or may result in significantly higher premiums.

29 23 You should consult a professional advisor, since a change
29 24 in ownership in satisfaction of the loan may result in tax
29 25 consequences to the owner, depending on the structure of the
29 26 loan."

29 27 (2) Require certifications, such as the following, from
29 28 the applicant or the insured:

29 29 "I have not entered into any agreement or arrangement
29 30 providing for the future sale of this life insurance policy.

29 31 My loan arrangement for this life insurance policy provides
29 32 funds sufficient to pay for some or all of the premiums,
29 33 costs, and expenses associated with obtaining and maintaining
29 34 my life insurance policy, but I have not entered into any
29 35 agreement by which I am to receive consideration in exchange



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30 1 for procuring this life insurance policy.

30 2 The borrower has an insurable interest in the insured."

30 3 2. With respect to each life insurance policy issued by an
30 4 insurer, the insurer shall send written notice to the owner of
30 5 an individual life insurance policy, or a certificate holder
30 6 under a group life insurance policy, where the insured person
30 7 under such life insurance policy is age sixty or older or is
30 8 known to be terminally ill or chronically ill, that a life
30 9 settlement is an available alternative transaction to such
30 10 owner at the time of each of the following:

30 11 a. When an insurer receives from such owner a request to
30 12 surrender, in whole or in part, an individual life insurance
30 13 policy, or a certificate under a group life insurance policy.

30 14 b. When an insurer receives from such owner a request to
30 15 receive an accelerated death benefit under an individual life
30 16 insurance policy, or a certificate under a group life
30 17 insurance policy.

30 18 c. When an insurer receives from such owner a request to
30 19 collaterally assign an individual life insurance policy, or a
30 20 certificate under a group life insurance policy as security
30 21 for a loan.

30 22 d. When an insurer sends to such owner a notice of lapse
30 23 of an individual life insurance policy, or a certificate under
30 24 a group life insurance policy.

30 25 e. At any other time the commissioner may require by rule.

30 26 Sec. 11. NEW SECTION. 508G.11 GENERAL RULES.

30 27 1. A provider entering into a life settlement contract
30 28 with an owner of a life insurance policy, where the insured is
30 29 terminally ill or chronically ill, shall first obtain all of
30 30 the following:

30 31 a. If the owner is the insured, a written statement from a
30 32 licensed attending physician that the owner is of sound mind
30 33 and under no constraint or undue influence to enter into a
30 34 life settlement contract.

30 35 b. A document in which the insured consents to the release



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31 1 of the owner's medical records to a provider, broker, or
31 2 insurance producer and, if the life insurance policy was
31 3 issued less than two years from the date of application for a
31 4 life settlement contract, to the insurance company that issued
31 5 the policy.

31 6 2. An insurer shall respond to a request for verification
31 7 of coverage submitted by a provider, broker, or life insurance
31 8 producer not later than thirty calendar days of the date the
31 9 request is received. The request for verification of coverage
31 10 must be made on a form approved by the commissioner. The
31 11 insurer shall complete and issue the verification of coverage
31 12 or indicate in which respects it is unable to respond. In its
31 13 response, the insurer shall indicate whether, based on the
31 14 medical evidence and documents provided, the insurer intends
31 15 to pursue an investigation at this time regarding the validity
31 16 of the life insurance policy.

31 17 3. Before or at the time of the execution of the life
31 18 settlement contract, the provider shall obtain a witnessed
31 19 document in which the owner consents to the life settlement
31 20 contract, represents that the owner has a full and complete
31 21 understanding of the life settlement contract, that the owner
31 22 has a full and complete understanding of the benefits of the
31 23 life insurance policy, acknowledges that the owner is entering
31 24 into the life settlement contract freely and voluntarily, and,
31 25 for persons with a terminal or chronic illness or condition,
31 26 acknowledges that the insured has a terminal or chronic
31 27 illness and that the terminal or chronic illness or condition
31 28 was diagnosed after the life insurance policy was issued.

31 29 4. The insurer shall not unreasonably delay effecting
31 30 change of ownership or beneficiary with any life settlement
31 31 contract lawfully entered into in this state or with a
31 32 resident of this state.

31 33 5. If a broker or life insurance producer performs any
31 34 activities required of the provider, the provider is deemed to
31 35 have fulfilled the requirements of this section.



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32 1 6. If a broker performs verification of coverage
32 2 activities required of the provider, the provider is deemed to
32 3 have fulfilled the requirements of section 508G.9, subsection
32 4 1.

32 5 7. Within twenty days after an owner executes the life
32 6 settlement contract, a provider shall give written notice to
32 7 the insurer that issued the life insurance policy that the
32 8 policy has become subject to a life settlement contract. The
32 9 notice shall be accompanied by the documents required by
32 10 section 508G.10, subsection 1, paragraph "b".

32 11 8. All medical information solicited or obtained by any
32 12 licensee shall be subject to the applicable provision of state
32 13 law relating to confidentiality of medical information, if not
32 14 otherwise provided in this chapter.

32 15 9. A life settlement contract entered into in this state
32 16 shall provide that the owner may rescind the contract on or
32 17 before fifteen days after the date it is executed by all
32 18 parties. Rescission, if exercised by the owner, is effective
32 19 only if both notice of the rescission is given, and the owner
32 20 repays all proceeds and any premiums, loans, and loan interest
32 21 paid on account of the provider within the rescission period.
32 22 If the insured dies during the rescission period, the contract
32 23 shall be deemed to have been rescinded subject to repayment by
32 24 the owner or the owner's estate of all proceeds and any
32 25 premiums, loans, and loan interest to the provider.

32 26 10. Within three business days after receipt from the
32 27 owner of documents to effect the transfer of the insurance
32 28 policy, the provider shall pay the proceeds of the settlement
32 29 to a trust or escrow account managed by a trustee or escrow
32 30 agent in a state or federally chartered financial institution
32 31 pending acknowledgment of the transfer by the issuer of the
32 32 policy. The trustee or escrow agent shall be required to
32 33 transfer the proceeds due to the owner within three business
32 34 days of acknowledgment of the transfer from the insurer.

32 35 11. A failure to tender life settlement contract proceeds



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33 1 to the owner by the date disclosed to the owner renders the
33 2 contract voidable by the owner for lack of consideration until
33 3 the time the proceeds are tendered to and accepted by the
33 4 owner. A failure to give written notice of the right of
33 5 rescission shall toll the right of rescission until thirty days
33 6 after the written notice of the right of rescission has been
33 7 given.

33 8 12. Any fee paid by a provider, party, individual, or an
33 9 owner to a broker in exchange for services provided to the
33 10 owner pertaining to a life settlement contract shall be
33 11 computed as a percentage of the offer obtained, not the face
33 12 value of the life insurance policy. This section shall not be
33 13 construed as prohibiting a broker from reducing the broker's
33 14 fee below this percentage if the broker so chooses.

33 15 13. A broker shall disclose to the owner anything of value
33 16 paid or given to the broker, which relates to a life
33 17 settlement contract.

33 18 14. A person shall not at any time prior to, or at the
33 19 time of, the application for, or issuance of, a life insurance
33 20 policy, or during a two-year period commencing with the date
33 21 of issuance of the life insurance policy, enter into a life
33 22 settlement contract regardless of the date the compensation is
33 23 to be provided and regardless of the date the assignment,
33 24 transfer, sale, devise, bequest, or surrender of the policy is
33 25 to occur. This prohibition shall not apply if the owner
33 26 certifies to the provider that any of the following applies:

33 27 a. The life insurance policy was issued upon the owner's
33 28 exercise of conversion rights arising out of a group or
33 29 individual life insurance policy, provided the total of the
33 30 time covered under the conversion policy plus the time covered
33 31 under the prior life insurance policy is at least twenty-four
33 32 months. The time covered under a group life insurance policy
33 33 must be calculated without regard to a change in insurers,
33 34 provided the coverage has been continuous and under the same
33 35 group sponsorship.



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34 1 b. The owner submits independent evidence to the provider
34 2 that one or more of the following conditions have been met
34 3 within the two-year period:

34 4 (1) The owner or insured is terminally ill or chronically
34 5 ill.

34 6 (2) The owner or insured disposes of the owner's or
34 7 insured's ownership interests in a closely held corporation,
34 8 pursuant to the terms of a buyout or other similar agreement
34 9 in effect at the time the life insurance policy was initially
34 10 issued.

34 11 (3) The owner's spouse dies.

34 12 (4) The owner divorces the owner's spouse.

34 13 (5) The owner retires from full-time employment.

34 14 (6) The owner becomes physically or mentally disabled and
34 15 a physician determines that the disability prevents the owner
34 16 from maintaining full-time employment.

34 17 (7) A final order, judgment, or decree is entered by a
34 18 court of competent jurisdiction, on the application of a
34 19 creditor of the owner, adjudicating the owner bankrupt or
34 20 insolvent, or approving a petition seeking reorganization of
34 21 the owner or appointing a receiver, trustee, or liquidator to
34 22 all or a substantial part of the owner's assets.

34 23 c. Copies of the independent evidence required by
34 24 subsection 14, paragraph "b", shall be submitted to the
34 25 insurer when the provider submits a request to the insurer for
34 26 verification of coverage. The copies shall be accompanied by
34 27 a letter of attestation from the provider that the copies are
34 28 true and correct copies of the documents received by the
34 29 provider. This section does not prohibit an insurer from
34 30 exercising its right to contest the validity of any life
34 31 insurance policy.

34 32 d. If the provider submits to the insurer a copy of
34 33 independent evidence provided for in paragraph "b",
34 34 subparagraph (1), when the provider submits a request to the
34 35 insurer to effect the transfer of the policy to the provider,



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35 1 the copy is deemed to establish that the life settlement
35 2 contract satisfies the requirements of this section.
35 3 Sec. 12. NEW SECTION. 508G.12 AUTHORITY TO ADOPT RULES
35 4 == CONFLICT OF LAWS.
35 5 1. The commissioner may adopt rules implementing this
35 6 chapter and regulating the activities and relationships of
35 7 providers, brokers, insurers, and their agents, pursuant to
35 8 chapter 17A.
35 9 2. For conflict of laws, all of the following shall apply:
35 10 a. If there is more than one owner on a single policy, and
35 11 the owners are residents of different states, the life
35 12 settlement contract shall be governed by the law of the state
35 13 in which the owner having the largest percentage ownership
35 14 resides or, if the owners hold equal ownership, the state of
35 15 residence of one owner agreed upon in writing by all of the
35 16 owners. The law of the state of the insured shall govern in
35 17 the event that equal owners fail to agree in writing upon a
35 18 state of residence for jurisdictional purposes.
35 19 b. A provider from this state who enters into a life
35 20 settlement contract with an owner who is a resident of another
35 21 state that has enacted statutes or adopted regulations
35 22 governing life settlement contracts shall be governed in the
35 23 effectuation of that life settlement contract by the statutes
35 24 and regulations of the owner's state of residence. If the
35 25 state in which the owner is a resident has not enacted
35 26 statutes or regulations governing life settlement contracts,
35 27 the provider shall give the owner notice that neither state
35 28 regulates the transaction into which the owner is entering.
35 29 For transactions in those states, however, the provider shall
35 30 maintain all records required as if the transactions were
35 31 executed in the state of residence. The forms used in those
35 32 states need not be approved by the commissioner.
35 33 c. If there is a conflict in the laws that apply to an
35 34 owner and a purchaser in any individual transaction, the laws
35 35 of the state that apply to the owner shall take precedence and



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36 1 the provider shall comply with those laws.
36 2 Sec. 13. NEW SECTION. 508G.13 PROHIBITED PRACTICES.
36 3 1. A person shall not do any of the following:
36 4 a. Enter into a life settlement contract if the person
36 5 knows or reasonably should have known that the life insurance
36 6 policy was obtained by means of a false, deceptive, or
36 7 misleading application for such life insurance policy.
36 8 b. Engage in any transaction, practice, or course of
36 9 business if such person knows or reasonably should have known
36 10 that the intent was to avoid the notice requirements of this
36 11 chapter.
36 12 c. Engage in any fraudulent act or practice in connection
36 13 with any transaction relating to any settlement involving an
36 14 owner who is a resident of this state.
36 15 d. Issue, solicit, market, or otherwise promote the
36 16 purchase of a life insurance policy for the purpose of or with
36 17 an emphasis on settling the life insurance policy.
36 18 e. Enter into a life settlement contract on a life
36 19 insurance policy that was the subject of a premium finance
36 20 loan as described in the definition of life settlement
36 21 contract in section 508G.2.
36 22 f. With respect to any life settlement contract or life
36 23 insurance policy and a broker, knowingly solicit an offer
36 24 from, effectuate a life settlement contract with, or make a
36 25 sale to any provider, financing entity, or related provider
36 26 trust that is controlling, controlled by, or under common
36 27 control with such broker.
36 28 g. With respect to any life settlement contract or life
36 29 insurance policy and a provider, knowingly enter into a life
36 30 settlement contract with an owner, if, in connection with such
36 31 life settlement contract, anything of value will be paid to a
36 32 broker that is controlling, controlled by, or under common
36 33 control with such provider or the financing entity or related
36 34 provider trust that is involved in such life settlement
36 35 contract.



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37 1 h. With respect to a provider, enter into a life
37 2 settlement contract unless the life settlement promotional,
37 3 advertising, and marketing materials, as may be adopted by
37 4 rule, have been filed with the commissioner. In no event
37 5 shall any marketing materials expressly reference that the
37 6 insurance is free for any period of time. The inclusion of
37 7 any reference in the marketing materials that would cause an
37 8 owner to reasonably believe that the insurance is free for any
37 9 period of time shall be considered a violation of this
37 10 chapter.

37 11 i. With respect to any life insurance producer, insurer,
37 12 broker, or provider, make any statement or representation to
37 13 the applicant or policyholder in connection with the sale or
37 14 financing of a life insurance policy to the effect that the
37 15 insurance is free or without cost to the policyholder for any
37 16 period of time unless provided in the policy.

37 17 2. A violation of this section shall be deemed a
37 18 fraudulent life settlement act.

37 19 Sec. 14. NEW SECTION. 508G.14 FRAUD PREVENTION AND
37 20 CONTROL.

37 21 1. This subsection applies to a fraudulent life settlement
37 22 act, interference, and convicted felons as follows:

37 23 a. A person shall not commit a fraudulent life settlement
37 24 act.

37 25 b. A person shall not knowingly and intentionally
37 26 interfere with the enforcement of the provisions of this
37 27 chapter or an investigation of suspected or actual violations
37 28 of this chapter.

37 29 c. A person in the business of life settlements shall not
37 30 knowingly or intentionally permit any person convicted of a
37 31 felony involving dishonesty or breach of trust to participate
37 32 in the business of life settlements.

37 33 2. This subsection applies to required fraud warnings as
37 34 follows:

37 35 a. A life settlement contract and an application for a



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38 1 life settlement contract, regardless of the form of
38 2 transmission, shall contain the following statement or a
38 3 substantially similar statement:
38 4 "Any person who knowingly presents false information in an
38 5 application for a life insurance policy or life settlement
38 6 contract is guilty of a crime and may be subject to fines and
38 7 confinement in prison."
38 8 b. The lack of a statement as required in paragraph "a"
38 9 does not constitute a defense in any prosecution for a
38 10 fraudulent life settlement act.
38 11 3. This section applies to the mandatory reporting of
38 12 fraudulent life settlement acts as follows:
38 13 a. Any person engaged in the business of life settlements
38 14 having knowledge or a reasonable belief that a fraudulent life
38 15 settlement act is being, will be, or has been committed shall
38 16 provide to the commissioner the information required by, and
38 17 in a manner prescribed by, the commissioner.
38 18 b. Any other person having knowledge or a reasonable
38 19 belief that a fraudulent life settlement act is being, will
38 20 be, or has been committed may provide to the commissioner the
38 21 information required by, and in a manner prescribed by, the
38 22 commissioner.
38 23 4. This subsection applies to immunity from liability as
38 24 follows:
38 25 a. Civil liability shall not be imposed on and a cause of
38 26 action shall not arise from a person's furnishing information
38 27 concerning suspected, anticipated, or a completed fraudulent
38 28 life settlement act, if the information is provided to or
38 29 received from any of the following:
38 30 (1) The commissioner or the commissioner's employees,
38 31 agents, or representatives.
38 32 (2) Federal, state, or local law enforcement or regulatory
38 33 officials or their employees, agents, or representatives.
38 34 (3) A person involved in the prevention and detection of
38 35 fraudulent life settlement acts or that person's agents,



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39 1 employees, or representatives.

39 2 (4) Any regulatory body or its employees, agents, or
39 3 representatives, overseeing life insurance, life settlements,
39 4 securities, or investment fraud.

39 5 (5) The life insurer that issued the life insurance policy
39 6 covering the life of the insured.

39 7 (6) The licensee and any agents, employees, or
39 8 representatives.

39 9 b. Paragraph "a" shall not apply to a statement made with
39 10 actual malice. In an action brought against a person for
39 11 filing a report or furnishing other information concerning a
39 12 fraudulent life settlement act, the party bringing the action
39 13 shall plead specifically any allegation that paragraph "a"
39 14 does not apply because the person filing the report or
39 15 furnishing the information did so with actual malice.

39 16 c. (1) A person identified in paragraph "a" shall be
39 17 entitled to an award of attorney fees and costs if the person
39 18 is the prevailing party in a civil cause of action for libel,
39 19 slander, or any other relevant tort arising out of activities
39 20 in carrying out the provisions of this chapter and the party
39 21 bringing the action was not substantially justified in doing
39 22 so.

39 23 (2) For purposes of this paragraph "c", a proceeding is
39 24 substantially justified if it had a reasonable basis in law or
39 25 fact at the time that it was initiated.

39 26 d. This section does not abrogate or modify common law or
39 27 statutory privileges or immunities enjoyed by a person
39 28 described in paragraph "a".

39 29 5. This subsection applies to confidentiality as follows:

39 30 a. The documents and evidence provided pursuant to
39 31 subsection 4 or obtained by the commissioner in an
39 32 investigation of a suspected or actual fraudulent life
39 33 settlement act shall be privileged and confidential and shall
39 34 not be subject to chapter 22, and shall not be subject to
39 35 discovery or subpoena in a civil or criminal action.



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40 1 b. Paragraph "a" does not prohibit a release by the
40 2 commissioner of documents and evidence obtained in an
40 3 investigation of a suspected or actual fraudulent life
40 4 settlement act to any of the following:
40 5 (1) In administrative or judicial proceedings to enforce
40 6 laws administered by the commissioner.
40 7 (2) To federal, state, or local law enforcement or
40 8 regulatory agencies, to an organization established for the
40 9 purpose of detecting and preventing fraudulent life settlement
40 10 acts or to the national association of insurance
40 11 commissioners.
40 12 (3) At the discretion of the commissioner, to a person in
40 13 the business of life settlements that is aggrieved by a
40 14 fraudulent life settlement act.
40 15 c. Release of documents and evidence under paragraph "b"
40 16 does not abrogate or modify the privilege granted in paragraph
40 17 "a".
40 18 6. This chapter shall not do any of the following:
40 19 a. Preempt the authority or relieve the duty of other law
40 20 enforcement or regulatory agencies to investigate, examine, or
40 21 prosecute suspected violations of law.
40 22 b. Preempt, supersede, or limit any provision of any state
40 23 securities law or any rule, order, or notice issued under this
40 24 chapter.
40 25 c. Prevent or prohibit a person from voluntarily
40 26 disclosing information concerning life settlement fraud to a
40 27 law enforcement or regulatory agency other than the
40 28 commissioner.
40 29 d. Limit the powers granted elsewhere by the laws of this
40 30 state to the commissioner or the insurance division, or an
40 31 insurance fraud unit, to investigate and examine possible
40 32 violations of law and to take appropriate action against
40 33 wrongdoers.
40 34 7. This subsection applies to life settlement antifraud
40 35 initiatives as follows:



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41 1 a. A provider or broker shall have in place antifraud
41 2 initiatives reasonably calculated to detect, prosecute, and
41 3 prevent a fraudulent life settlement act. At the discretion
41 4 of the commissioner, the commissioner may order, or a licensee
41 5 may request and the commissioner may grant, such modifications
41 6 of the following required initiatives as necessary to ensure
41 7 an effective antifraud program. The modifications may be more
41 8 or less restrictive than the required initiatives so long as
41 9 the modifications may reasonably be expected to accomplish the
41 10 purpose of this section. The antifraud initiatives shall
41 11 include all of the following:

41 12 (1) Fraud investigators, who may be provider or broker
41 13 employees or independent contractors.

41 14 (2) An antifraud plan, which shall be submitted to the
41 15 commissioner. The antifraud plan shall include but not be
41 16 limited to any of the following:

41 17 (a) A description of the procedures for detecting and
41 18 investigating possible fraudulent life settlement acts and
41 19 procedures for resolving material inconsistencies between
41 20 medical records and insurance applications.

41 21 (b) A description of the procedures for reporting possible
41 22 fraudulent life settlement acts to the commissioner.

41 23 (c) A description of the plan for antifraud education and
41 24 training of underwriters and other personnel.

41 25 (d) A description or chart outlining the organizational
41 26 arrangement of the antifraud personnel who are responsible for
41 27 the investigation and reporting of possible fraudulent life
41 28 settlement acts and investigating unresolved material
41 29 inconsistencies between medical records and insurance
41 30 applications.

41 31 b. Antifraud plans submitted to the commissioner shall be
41 32 privileged and confidential, shall not be subject to chapter
41 33 22, and shall not be subject to discovery or subpoena in a
41 34 civil or criminal action.

41 35 Sec. 15. NEW SECTION. 508G.15 INJUNCTIONS == CIVIL



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42 1 REMEDIES == CEASE AND DESIST.

42 2 1. In addition to the penalties and other enforcement
42 3 provisions of this chapter, if any person violates this
42 4 chapter or any rule implementing this chapter, the
42 5 commissioner may seek an injunction in a court of competent
42 6 jurisdiction in the county where the person resides or has a
42 7 principal place of business and may apply for temporary and
42 8 permanent orders that the commissioner determines necessary to
42 9 restrain the person from further committing the violation.

42 10 2. A person damaged by an act of another person in
42 11 violation of this chapter or any rule implementing or
42 12 administering this chapter, may bring a civil action for
42 13 damages against the person committing the violation in a court
42 14 of competent jurisdiction.

42 15 3. The commissioner may issue a cease and desist order
42 16 upon a person who violates any provision of this chapter, any
42 17 rule adopted or order issued by the commissioner, or any
42 18 written agreement entered into with the commissioner.

42 19 4. If the commissioner finds that such an action presents
42 20 an immediate danger to the public and requires an immediate
42 21 final order, the commissioner may issue an emergency cease and
42 22 desist order reciting with particularity the facts underlying
42 23 such findings. The emergency cease and desist order is
42 24 effective immediately upon service of a copy of the order on
42 25 the respondent and remains effective for ninety days. If the
42 26 commissioner begins nonemergency cease and desist proceedings
42 27 under subsection 1, the emergency cease and desist order
42 28 remains effective, absent an order by a court of competent
42 29 jurisdiction pursuant to chapter 17A. In the event of a
42 30 willful violation of this chapter, the court may award
42 31 statutory damages in addition to actual damages in an
42 32 additional amount up to three times the actual damage award.
42 33 The provisions of this chapter shall not be waived by
42 34 agreement. A choice of law provision shall not be utilized to
42 35 prevent the application of this chapter to any life settlement



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43 1 in which a party to the life settlement is a resident of this
43 2 state.

43 3 Sec. 16. NEW SECTION. 508G.16 PENALTIES.

43 4 1. It is a violation of this chapter for any person,
43 5 provider, broker, or any other party related to the business
43 6 of life settlements, to commit a fraudulent life settlement
43 7 act.

43 8 2. For criminal liability purposes, a person that commits
43 9 a fraudulent life settlement act is guilty of a class "D"
43 10 felony.

43 11 3. In addition to the penalty provided in subsection 2,
43 12 the commissioner may establish, assess, and collect a civil
43 13 penalty not exceeding ten thousand dollars for each violation
43 14 of this chapter, including a person or the person's employee
43 15 licensed pursuant to this chapter, who commits a fraudulent
43 16 life settlement act or violates any other provision of this
43 17 chapter and penalties shall be deposited into the general fund
43 18 of the state.

43 19 4. The license of a person licensed under this chapter
43 20 that commits a fraudulent life settlement act shall be revoked
43 21 for a period of five years.

43 22 Sec. 17. NEW SECTION. 508G.17 UNFAIR TRADE PRACTICES.

43 23 A violation of sections 508G.3 through 508G.16 by a
43 24 provider, broker, or insurer shall be considered an unfair
43 25 trade practice pursuant to chapter 507B.

DIVISION II

COORDINATING CHANGES

43 28 Sec. 18. Section 502.102, subsection 17, paragraph d, Code
43 29 2007, is amended to read as follows:

43 30 d. With respect to a ~~viatical~~ life settlement investment
43 31 contract as defined in section 508G.2, "issuer" means a person
43 32 involved in creating, transferring, or selling to an investor
43 33 any interest in such a contract, including but not limited to
43 34 fractional or pooled interests, but does not include an agent
43 35 or a broker=dealer.



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44 1 Sec. 19. Section 502.102, subsection 28, paragraph f, Code
44 2 2007, is amended to read as follows:

44 3 f. It includes a ~~viatical life settlement investment~~
44 4 contract as defined in section 508G.2.

44 5 Sec. 20. Section 502.102, subsection 31A, Code 2007, is
44 6 amended by striking the subsection.

44 7 Sec. 21. Section 502.201, subsection 9E, Code 2007, is
44 8 amended to read as follows:

44 9 9E. ~~VIATICAL LIFE SETTLEMENT CONTRACTS.~~ A ~~viatical life~~
44 10 settlement contract as defined in section 508.102, or
44 11 fractional or pooled interest in such contract, provided any
44 12 of the following conditions are satisfied:

44 13 a. The assignment, transfer, sale, devise, or bequest of a
44 14 death benefit of a life insurance policy or contract is made
44 15 by the ~~viator to~~ owner of a life insurance policy to an
44 16 insurance company as provided under Title XIII, subtitle 1
44 17 chapter 508G.

44 18 b. The assignment, transfer, sale, devise, or bequest of a
44 19 life insurance policy or contract, for any value less than the
44 20 expected death benefit, is made by the ~~viator~~ owner of the
44 21 life insurance policy to a family member or other person who
44 22 enters into no more than one such agreement in a calendar
44 23 year.

44 24 c. A life insurance policy or contract is assigned to a
44 25 bank, savings bank, savings and loan association, credit
44 26 union, or other licensed lending institution as collateral for
44 27 a loan.

44 28 d. Accelerated benefits are exercised as provided in the
44 29 life insurance policy or contract and consistent with
44 30 applicable law.

44 31 e. The assignment, transfer, sale, devise, or bequest of
44 32 the death benefit or ownership of a life insurance policy or
44 33 contract made by the policyholder or contract owner to a
44 34 ~~viatical settlement provider pursuant to a life settlement~~
44 35 contract, if the ~~viatical life settlement transaction~~ contract



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45 1 complies with chapter ~~508E~~ 508G, including rules adopted
45 2 pursuant to that chapter.

45 3 Sec. 22. Chapter 508E, Code 2007, is repealed.

45 4 DIVISION III

45 5 TRANSITIONAL PROVISIONS

45 6 Sec. 23. TRANSACTIONS OF BUSINESS.

45 7 1. A provider lawfully transacting business in this state
45 8 prior to July 1, 2009, may continue to do so pending approval
45 9 or disapproval of that person's application for a license as
45 10 long as the application is filed with the commissioner not
45 11 later than thirty days after publication by the commissioner
45 12 of an application form and instructions for licensure of
45 13 providers. If the publication of the application form and
45 14 instructions is made prior to July 1, 2009, the filing of the
45 15 application shall not be later than thirty days after July 1,
45 16 2009. During the time that such an application is pending
45 17 with the commissioner, the applicant may use any form of life
45 18 settlement contract that has been filed with the commissioner
45 19 pending approval of the application, provided that such form
45 20 is otherwise in compliance with the provisions of this Act.
45 21 Any person transacting business in this state under this
45 22 provision shall be obligated to comply with all other
45 23 requirements of this Act.

45 24 2. A person who has lawfully negotiated life settlement
45 25 contracts between any owner residing in this state and one or
45 26 more providers for at least one year immediately prior to July
45 27 1, 2009, may continue to do so pending approval or disapproval
45 28 of that person's application for a license as long as the
45 29 application is filed with the commissioner not later than
45 30 thirty days after publication by the commissioner of an
45 31 application form and instructions for licensure of brokers.
45 32 If the publication of the application form and instructions is
45 33 prior to July 1, 2009, the filing of the application shall not
45 34 be later than thirty days after July 1, 2009. Any person
45 35 transacting business in this state under this provision shall



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46 1 be obligated to comply with all other requirements of this
46 2 Act.
46 3 Sec. 24. EFFECTIVE DATE. This Act takes effect July 1,
46 4 2009.

EXPLANATION

46 5
46 6 This bill is based on model legislation adopted by the
46 7 national conference of insurance legislators regulating life
46 8 settlement arrangements, by the commissioner of insurance
46 9 (commissioner). A life insurance settlement is a transaction
46 10 involving the sale of a life insurance policy (policy) issued
46 11 by a life insurance company (insurer) before the policy
46 12 matures.

46 13 DIVISION I == LIFE SETTLEMENTS ACT. The bill provides for
46 14 a new Code chapter referred to as the "Life Settlements Act".
46 15 It provides for the regulation of a life settlement contract
46 16 which is a written agreement executed by a policy owner
46 17 (owner) and another party (provider) establishing the terms
46 18 under which a life insurance company (producer) pays the
46 19 provider the policy's expected death benefit upon the policy's
46 20 maturity. The contract may be negotiated by another party
46 21 (broker) on behalf of the owner and who owes a fiduciary duty
46 22 to the owner. The rights of the proceeds may be transferred
46 23 to another party (purchaser) presumably as an investment.

46 24 LICENSING. The bill provides that a provider or broker
46 25 must be licensed by the commissioner. It provides for
46 26 application procedures, imposes requirements on producers,
46 27 including when acting as a broker, provides for the renewal of
46 28 licenses, and provides for the establishment and imposition of
46 29 licensing fees, and for the imposition of disciplinary action
46 30 for a broker or provider who fails to comply with the bill's
46 31 requirements, including license, suspension, revocation, or a
46 32 failure to renew.

46 33 CONTRACT REQUIREMENTS. The bill provides for the form of
46 34 life settlement contracts including for the filing of
46 35 contracts with the commissioner.



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47 1 REPORTING REQUIREMENTS. The bill requires a provider to
47 2 periodically report information regarding life settlement
47 3 contracts to the commissioner, including documentation
47 4 regarding proceeds received under such contracts. It provides
47 5 a civil penalty not to exceed \$25,000 for a continuous delay
47 6 in reporting. The bill also provides confidentiality
47 7 provisions.

47 8 EXAMINATION REQUIREMENTS. The bill authorizes the
47 9 commissioner to conduct examinations of brokers and providers
47 10 who are applying for a license or who are doing business under
47 11 a license. It provides for the confidentiality of information
47 12 contained in certain records subject to examination, the
47 13 retention of records by brokers and providers, the appointment
47 14 of examiners, and the payment of examination fees. The bill
47 15 also authorizes the commissioner to issue subpoenas and
47 16 administer oaths and to seek judicial orders compelling
47 17 persons to comply with orders compelling the production of
47 18 information. The bill provides for the production of
47 19 examination reports to be filed with the commissioner, and for
47 20 the confidentiality of information gathered in the course of
47 21 an examination. The bill prohibits an examiner from having a
47 22 conflict of interest and provides for their immunity from
47 23 liability.

47 24 ADVERTISING. The bill regulates how a broker or provider
47 25 may advertise their business, and requires that advertising be
47 26 accurate and truthful.

47 27 DISCLOSURE. The bill requires that a provider furnish an
47 28 owner with a written disclosure statement prior to executing a
47 29 contract. The disclosure statement must describe alternatives
47 30 to the contract, that proceeds may be taxable, subject to the
47 31 claims of creditors, and affect eligibility for public
47 32 assistance. The owner is provided rights to terminate the
47 33 contract upon the repayment of any proceeds received under the
47 34 contract. The disclosure statement must describe the amount
47 35 and the method of calculating compensation to be paid, and



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48 1 when the proceeds are to be paid. The disclosure must include
48 2 fraud warnings. The bill also requires a broker to provide an
48 3 owner and provider with a written disclosure statement,
48 4 describing the broker and information regarding negotiations
48 5 by the broker acting on behalf of the owner.

48 6 INSURER MAY REQUIRE INFORMATION. The bill provides that an
48 7 insurer may require information regarding a contractual
48 8 arrangement between a broker and a producer and the terms of a
48 9 contract, including the payment of premiums, and the use of
48 10 financing to pay for the premiums, and warnings regarding an
48 11 applicant's future ability to acquire insurance.

48 12 PROVIDER MAY REQUIRE INFORMATION. The bill provides that a
48 13 provider may require that an owner furnish information
48 14 including information regarding the owner's health status and
48 15 whether the owner is terminally ill or chronically ill. In
48 16 that case, the owner must provide medical evidence regarding
48 17 the owner's mental condition, provide a release of the owner's
48 18 medical records, a verification of coverage, and a signed
48 19 statement that verifies the owner understands the nature of
48 20 the contract. The bill requires that the provider may seek
48 21 assurances that the insurer will not unreasonably delay
48 22 effecting a change in ownership. The information provided to
48 23 a provider is considered confidential.

48 24 RESTRICTIONS. The bill prohibits a person from entering
48 25 into a life settlement contract prior to applying for a life
48 26 insurance policy, unless the policy was issued as a group
48 27 policy or a converted policy, or extraordinary circumstances
48 28 exist, including that the owner is terminally ill or
48 29 chronically ill, or there is a material change in the person's
48 30 financial or personal life (e.g., the owner's spouse dies, the
48 31 owner divorces their spouse, the owner retires, or the owner
48 32 becomes mentally or physically disabled). The change must be
48 33 documented and submitted to the insurer.

48 34 RULEMAKING AND CONFLICT OF LAW. The bill authorizes the
48 35 commissioner to adopt rules necessary to implement and



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49 1 administer the bill's provisions. It also provides rules when
49 2 there is a conflict of laws between this state and another
49 3 state.

49 4 PROHIBITED PRACTICES == FRAUD. The bill provides for a
49 5 number of prohibited practices, including prohibiting a person
49 6 from entering into a contract under false, deceptive, or
49 7 misleading conditions, or engaging in fraud. The bill
49 8 prohibits a person from committing a fraudulent life
49 9 settlement act in a manner that deprives another person of
49 10 property by false material information, or concealing material
49 11 information which concerns a material fact. The bill
49 12 prohibits a person from interfering with the enforcement of
49 13 the bill's provisions. It also requires the mandatory
49 14 reporting of fraudulent life settlement acts, and provides for
49 15 the confidentiality of information submitted as part of an
49 16 investigation. The bill requires providers and brokers to
49 17 provide a number of antifraud provisions, including the
49 18 submission of an antifraud plan to the commissioner.

49 19 ENFORCEMENT. The bill authorizes the commissioner to take
49 20 actions necessary to enforce the bill's provisions, including
49 21 seeking injunctive relief. The bill allows a person who is
49 22 injured by a violation of the bill's provisions to bring a
49 23 civil action for damages. The bill authorizes the
49 24 commissioner to take emergency action if necessary, including
49 25 by issuing an order to immediately cease and desist from a
49 26 prohibited practice.

49 27 PENALTIES. The bill provides that a person who commits a
49 28 fraudulent life settlement act is guilty of a class "D"
49 29 felony. A class "D" felony is punishable by confinement for
49 30 no more than five years and a fine of at least \$750 but not
49 31 more than \$7,500.

49 32 The commissioner may also establish, impose, and assess
49 33 civil penalties for violations of the bill's provisions which
49 34 cannot exceed \$10,000 for a single offense.

49 35 DIVISION II == COORDINATING CHANGES. The bill amends Code



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50 1 chapter 502, Iowa's so-called "blue sky law", by providing
50 2 that a life settlement contract is not a security. The bill
50 3 substitutes the term "life settlement contract" for "viatical
50 4 contract" which is governed under Code chapter 508E. The bill
50 5 repeals that Code chapter.

50 6 DIVISION III == TRANSITIONAL PROVISIONS. The bill
50 7 preserves certain life settlement arrangements by persons who
50 8 were transacting business in this state prior to the effective
50 9 date of the bill, subject to approval by the commissioner.

50 10 EFFECTIVE DATE. The bill takes effect on July 1, 2009.

50 11 LSB 5896XC 82

50 12 da/rj/24



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SENATE/HOUSE FILE
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
JOINT APPROPRIATIONS
SUBCOMMITTEE ON JUSTICE
SYSTEM)

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

A BILL FOR

- 1 An Act relating to and making appropriations to the judicial
- 2 branch.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5006JB 82
- 5 jm/mg/8



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PAG LIN

1 1 Section 1. JUDICIAL BRANCH.

1 2 1. There is appropriated from the general fund of the

1 3 state to the judicial branch for the fiscal year beginning

1 4 July 1, 2008, and ending June 30, 2009, the following amount,

1 5 or so much thereof as is necessary, to be used for the

1 6 purposes designated:

1 7 For salaries of supreme court justices, appellate court

1 8 judges, district court judges, district associate judges,

1 9 judicial magistrates and staff, state court administrator,

1 10 clerk of the supreme court, district court administrators,

1 11 clerks of the district court, juvenile court officers, board

1 12 of law examiners and board of examiners of shorthand reporters

1 13 and judicial qualifications commission; receipt and

1 14 disbursement of child support payments; reimbursement of the

1 15 auditor of state for expenses incurred in completing audits of

1 16 the offices of the clerks of the district court during the

1 17 fiscal year beginning July 1, 2008; and maintenance,

1 18 equipment, and miscellaneous purposes:

1 19 \$144,745,322

1 20 2. The judicial branch, except for purposes of internal

1 21 processing, shall use the current state budget system, the

1 22 state payroll system, and the Iowa finance and accounting

1 23 system in administration of programs and payments for

1 24 services, and shall not duplicate the state payroll,

1 25 accounting, and budgeting systems.

1 26 3. The judicial branch shall submit monthly financial

1 27 statements to the legislative services agency and the

1 28 department of management containing all appropriated accounts

1 29 in the same manner as provided in the monthly financial status

1 30 reports and personal services usage reports of the department

1 31 of administrative services. The monthly financial statements

1 32 shall include a comparison of the dollars and percentage spent

1 33 of budgeted versus actual revenues and expenditures on a

1 34 cumulative basis for full-time equivalent positions and

1 35 dollars.



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2 1 4. The judicial branch shall focus efforts upon the
2 2 collection of delinquent fines, penalties, court costs, fees,
2 3 surcharges, or similar amounts.

2 4 5. It is the intent of the general assembly that the
2 5 offices of the clerks of the district court operate in all 99
2 6 counties and be accessible to the public as much as is
2 7 reasonably possible in order to address the relative needs of
2 8 the citizens of each county.

2 9 6. The judicial branch shall continue studying the best
2 10 practices and efficiencies of each judicial district. In
2 11 identifying the most efficient judicial districts and the
2 12 districts using best practices, the judicial branch shall
2 13 consider the average cost to the judicial branch for
2 14 processing each classification of criminal offense or civil
2 15 action and the overall number of cases filed. In addition,
2 16 and as part of the best practices and efficiencies study, the
2 17 judicial branch shall study the number of judicial officers
2 18 needed throughout the state to manage current caseloads and
2 19 anticipated caseloads in the future, and shall make
2 20 recommendations, if any, as to changes in judgeship and
2 21 magistrate apportionment formulas in sections 602.6201,
2 22 602.6301, and 602.6401. The judicial branch shall file a
2 23 report regarding the study made, recommendations presented,
2 24 and actions taken pursuant to this subsection with the
2 25 co-chairpersons and ranking members of the joint
2 26 appropriations subcommittee on the justice system and to the
2 27 legislative services agency by January 1, 2009.

2 28 7. In addition to the requirements for transfers under
2 29 section 8.39, the judicial branch shall not change the
2 30 appropriations from the amounts appropriated to the judicial
2 31 branch in this Act, unless notice of the revisions is given
2 32 prior to their effective date to the legislative services
2 33 agency. The notice shall include information on the branch's
2 34 rationale for making the changes and details concerning the
2 35 workload and performance measures upon which the changes are



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3 1 based.

3 2 8. The judicial branch shall submit a semiannual update to
3 3 the legislative services agency specifying the amounts of
3 4 fines, surcharges, and court costs collected using the Iowa
3 5 court information system since the last report. The judicial
3 6 branch shall continue to facilitate the sharing of vital
3 7 sentencing and other information with other state departments
3 8 and governmental agencies involved in the criminal justice
3 9 system through the Iowa court information system.

3 10 9. The judicial branch shall provide a report to the
3 11 general assembly by January 1, 2009, concerning the amounts
3 12 received and expended from the enhanced court collections fund
3 13 created in section 602.1304 and the court technology and
3 14 modernization fund created in section 602.8108, subsection 7,
3 15 during the fiscal year beginning July 1, 2007, and ending June
3 16 30, 2008, and the plans for expenditures from each fund during
3 17 the fiscal year beginning July 1, 2008, and ending June 30,
3 18 2009. A copy of the report shall be provided to the
3 19 legislative services agency.

3 20 10. The judicial branch is encouraged to purchase products
3 21 from Iowa state industries, as defined in section 904.802,
3 22 when purchases are required and the products are available
3 23 from Iowa state industries. The judicial branch shall obtain
3 24 bids from Iowa state industries for purchases of office
3 25 furniture during the fiscal year beginning July 1, 2008,
3 26 exceeding \$5,000.

3 27 Sec. 2. JUDICIAL RETIREMENT FUND.

3 28 1. There is appropriated from the general fund of the
3 29 state to the judicial retirement fund for the fiscal year
3 30 beginning July 1, 2008, and ending June 30, 2009, the
3 31 following amount, or so much thereof as is necessary, to be
3 32 used for the purpose designated:

3 33 Notwithstanding section 602.9104, for the state's
3 34 contribution to the judicial retirement fund in the amount of
3 35 30.6 percent of the basic salaries of the judges covered under



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4 1 chapter 602, article 9:
 4 2 \$ 3,450,963
 4 3 2. There is appropriated from the revolving fund created
 4 4 in section 602.1302 to the judicial retirement fund for the
 4 5 fiscal year beginning July 1, 2008, and ending June 30, 2009,
 4 6 the following amount, or so much thereof as is necessary, to
 4 7 be used for the purposes designated:
 4 8 As part of the state's contribution to the judicial
 4 9 retirement fund in accordance with the conditions specified in
 4 10 subsection 1:
 4 11 \$ 1,174,663

4 12 3. There is appropriated from the court
 4 13 technology and modernization fund established in
 4 14 section 602.8108, subsection 7, for the fiscal year
 4 15 beginning July 1, 2008, and ending June 30, 2009, the
 4 16 following amount, or so much thereof as is necessary,
 4 17 to be used for the purposes designated:
 4 18 As part of the state's contribution to the judicial
 4 19 retirement fund in accordance with the conditions
 4 20 specified in subsection 1:
 4 21 \$ 3,000,000

4 22 Sec. 3. POSTING OF REPORTS IN ELECTRONIC FORMAT ==
 4 23 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
 4 24 required to be provided by the judicial branch for fiscal year
 4 25 2008=2009 to the legislative services agency shall be provided
 4 26 in an electronic format. The legislative services agency
 4 27 shall post the reports on its internet website and shall
 4 28 notify by electronic means all the members of the joint
 4 29 appropriations subcommittee on the justice system when a
 4 30 report is posted. Upon request, copies of the reports may be
 4 31 mailed to members of the joint appropriations subcommittee on
 4 32 the justice system.

EXPLANATION

4 33
 4 34 This bill makes appropriations for FY 2008=2009 to the
 4 35 judicial branch.



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5 1 The bill makes appropriations from the general fund of the
5 2 state, the jury and witness fees revolving fund, and the court
5 3 technology and modernization fund to the judicial retirement
5 4 fund.

5 5 Under the bill, the state's contribution to the judicial
5 6 retirement fund is set at 30.6 percent of the basic salaries
5 7 of judges.

5 8 The bill encourages the judicial branch to purchase
5 9 products produced by Iowa state industries.

5 10 LSB 5006JB 82

5 11 jm/mg/8



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Senate Study Bill 3270

SENATE/HOUSE FILE
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
JOINT APPROPRIATIONS
SUBCOMMITTEE ON JUSTICE
SYSTEM)

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

A BILL FOR

- 1 An Act relating to and making appropriations to the justice
- 2 system.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 5007JB 82
- 5 jm/mg/8



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Senate Study Bill 3270 continued

PAG LIN

1 1 Section 1. DEPARTMENT OF JUSTICE.

1 2 1. There is appropriated from the general fund of the

1 3 state to the department of justice for the fiscal year

1 4 beginning July 1, 2008, and ending June 30, 2009, the

1 5 following amounts, or so much thereof as is necessary, to be

1 6 used for the purposes designated:

1 7 a. For the general office of attorney general for

1 8 salaries, support, maintenance, and miscellaneous purposes,

1 9 including the prosecuting attorneys training program, victim

1 10 assistance grants, office of drug control policy (ODCP)

1 11 prosecuting attorney program, and odometer fraud enforcement,

1 12 and for not more than the following full-time equivalent

1 13 positions:

1 14	\$ 9,437,720
1 15	FTEs 226.50

1 16 It is the intent of the general assembly that as a

1 17 condition of receiving the appropriation provided in this

1 18 lettered paragraph, the department of justice shall maintain a

1 19 record of the estimated time incurred representing each agency

1 20 or department.

1 21 b. For victim assistance grants:

1 22	\$ 150,000
------------	------------

1 23 The funds appropriated in this lettered paragraph shall be

1 24 used to provide grants to care providers providing services to

1 25 crime victims of domestic abuse or to crime victims of rape

1 26 and sexual assault.

1 27 The balance of the victim compensation fund established in

1 28 section 915.94 may be used to provide salary and support of

1 29 not more than 22 FTEs and to provide maintenance for the

1 30 victim compensation functions of the department of justice.

1 31 As a condition of receiving the appropriation in this

1 32 lettered paragraph, the department of justice shall transfer

1 33 at least \$3,200,000 from the victim compensation fund

1 34 established in section 915.94 to the victim assistance grant

1 35 program.



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2 1 As a condition of receiving the appropriation in this
 2 2 lettered paragraph, the department of justice shall transfer
 2 3 at least \$600,000 from the proceeds of forfeited property
 2 4 delivered to the department pursuant to section 809A.17 to be
 2 5 used for the victim assistance grant program.
 2 6 c. For legal services for persons in poverty grants as
 2 7 provided in section 13.34:
 2 8 \$ 2,000,000
 2 9 d. For the purpose of funding farm mediation services and
 2 10 other farm assistance program provisions in accordance with
 2 11 sections 13.13 through 13.24:
 2 12 \$ 300,000
 2 13 2. a. The department of justice, in submitting budget
 2 14 estimates for the fiscal year commencing July 1, 2009,
 2 15 pursuant to section 8.23, shall include a report of funding
 2 16 from sources other than amounts appropriated directly from the
 2 17 general fund of the state to the department of justice or to
 2 18 the office of consumer advocate. These funding sources shall
 2 19 include but are not limited to reimbursements from other state
 2 20 agencies, commissions, boards, or similar entities, and
 2 21 reimbursements from special funds or internal accounts within
 2 22 the department of justice. The department of justice shall
 2 23 also report actual reimbursements for the fiscal year
 2 24 commencing July 1, 2007, and actual and expected
 2 25 reimbursements for the fiscal year commencing July 1, 2008.
 2 26 b. The department of justice shall include the report
 2 27 required under paragraph "a", as well as information regarding
 2 28 any revisions occurring as a result of reimbursements actually
 2 29 received or expected at a later date, in a report to the co=
 2 30 chairpersons and ranking members of the joint appropriations
 2 31 subcommittee on the justice system and the legislative
 2 32 services agency. The department of justice shall submit the
 2 33 report on or before January 15, 2009.
 2 34 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
 2 35 appropriated from the general fund of the state to the office



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3 1 of consumer advocate of the department of justice for the
 3 2 fiscal year beginning July 1, 2008, and ending June 30, 2009,
 3 3 the following amount, or so much thereof as is necessary, to
 3 4 be used for the purposes designated:
 3 5 For salaries, support, maintenance, miscellaneous purposes,
 3 6 and for not more than the following full-time equivalent
 3 7 positions:
 3 8 \$ 3,101,884
 3 9 FTEs 27.00
 3 10 Sec. 3. DEPARTMENT OF CORRECTIONS == FACILITIES.
 3 11 1. There is appropriated from the general fund of the
 3 12 state to the department of corrections for the fiscal year
 3 13 beginning July 1, 2008, and ending June 30, 2009, the
 3 14 following amounts, or so much thereof as is necessary, to be
 3 15 used for the purposes designated:
 3 16 For the operation of adult correctional institutions,
 3 17 reimbursement of counties for certain confinement costs, and
 3 18 federal prison reimbursement, to be allocated as follows:
 3 19 a. For the operation of the Fort Madison correctional
 3 20 facility, including salaries, support, maintenance, and
 3 21 miscellaneous purposes:
 3 22 \$ 44,512,509
 3 23 b. For the operation of the Anamosa correctional facility,
 3 24 including salaries, support, maintenance, and miscellaneous
 3 25 purposes:
 3 26 \$ 30,894,866
 3 27 Moneys are provided within this appropriation for one full-
 3 28 time substance abuse counselor for the Luster Heights facility
 3 29 for the purpose of certification of a substance abuse program
 3 30 at that facility.
 3 31 c. For the operation of the Oakdale correctional facility,
 3 32 including salaries, support, maintenance, and miscellaneous
 3 33 purposes:
 3 34 \$ 56,204,468
 3 35 d. For the operation of the Newton correctional facility,



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4 1 including salaries, support, maintenance, and miscellaneous
 4 2 purposes:
 4 3 \$ 27,841,158
 4 4 e. For the operation of the Mt. Pleasant correctional
 4 5 facility, including salaries, support, maintenance, and
 4 6 miscellaneous purposes:
 4 7 \$ 26,331,092
 4 8 f. For the operation of the Rockwell City correctional
 4 9 facility, including salaries, support, maintenance, and
 4 10 miscellaneous purposes:
 4 11 \$ 9,166,484
 4 12 g. For the operation of the Clarinda correctional
 4 13 facility, including salaries, support, maintenance, and
 4 14 miscellaneous purposes:
 4 15 \$ 25,078,365
 4 16 Moneys received by the department of corrections as
 4 17 reimbursement for services provided to the Clarinda youth
 4 18 corporation are appropriated to the department and shall be
 4 19 used for the purpose of operating the Clarinda correctional
 4 20 facility.
 4 21 h. For the operation of the Mitchellville correctional
 4 22 facility, including salaries, support, maintenance, and
 4 23 miscellaneous purposes:
 4 24 \$ 15,878,663
 4 25 i. For the operation of the Fort Dodge correctional
 4 26 facility, including salaries, support, maintenance, and
 4 27 miscellaneous purposes:
 4 28 \$ 29,715,121
 4 29 j. For reimbursement of counties for temporary confinement
 4 30 of work release and parole violators, as provided in sections
 4 31 901.7, 904.908, and 906.17, and for offenders confined
 4 32 pursuant to section 904.513:
 4 33 \$ 967,983
 4 34 k. For federal prison reimbursement, reimbursements for
 4 35 out-of-state placements, and miscellaneous contracts:



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5 1 \$ 241,293
5 2 2. The department of corrections shall use funds
5 3 appropriated in subsection 1 to continue to contract for the
5 4 services of a Muslim imam.
5 5 3. It is the intent of the general assembly that if
5 6 \$382,288 in additional funding becomes available, the funds
5 7 will be appropriated for eight additional correctional officer
5 8 positions to be distributed between the Anamosa correctional
5 9 facility and the Mt. Pleasant correctional facility.
5 10 Sec. 4. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.
5 11 1. There is appropriated from the general fund of the
5 12 state to the department of corrections for the fiscal year
5 13 beginning July 1, 2008, and ending June 30, 2009, the
5 14 following amounts, or so much thereof as is necessary, to be
5 15 used for the purposes designated:
5 16 a. For general administration, including salaries,
5 17 support, maintenance, employment of an education director to
5 18 administer a centralized education program for the
5 19 correctional system, and miscellaneous purposes:
5 20 \$ 5,050,732
5 21 (1) It is the intent of the general assembly that as a
5 22 condition of receiving the appropriation provided in this
5 23 lettered paragraph the department of corrections shall not,
5 24 except as otherwise provided in subparagraph (3), enter into a
5 25 new contract, unless the contract is a renewal of an existing
5 26 contract, for the expenditure of moneys in excess of \$100,000
5 27 during the fiscal year beginning July 1, 2008, for the
5 28 privatization of services performed by the department using
5 29 state employees as of July 1, 2008, or for the privatization
5 30 of new services by the department without prior consultation
5 31 with any applicable state employee organization affected by
5 32 the proposed new contract and prior notification of the co=
5 33 chairpersons and ranking members of the joint appropriations
5 34 subcommittee on the justice system.
5 35 (2) It is the intent of the general assembly that each



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6 1 lease negotiated by the department of corrections with a
6 2 private corporation for the purpose of providing private
6 3 industry employment of inmates in a correctional institution
6 4 shall prohibit the private corporation from utilizing inmate
6 5 labor for partisan political purposes for any person seeking
6 6 election to public office in this state and that a violation
6 7 of this requirement shall result in a termination of the lease
6 8 agreement.

6 9 (3) It is the intent of the general assembly that as a
6 10 condition of receiving the appropriation provided in this
6 11 lettered paragraph the department of corrections shall not
6 12 enter into a lease or contractual agreement pursuant to
6 13 section 904.809 with a private corporation for the use of
6 14 building space for the purpose of providing inmate employment
6 15 without providing that the terms of the lease or contract
6 16 establish safeguards to restrict, to the greatest extent
6 17 feasible, access by inmates working for the private
6 18 corporation to personal identifying information of citizens.

6 19 b. For educational programs for inmates at state penal
6 20 institutions:

6 21 \$ 1,570,358

6 22 As a condition of receiving the appropriation in this
6 23 lettered paragraph, the department of corrections shall
6 24 transfer at least \$300,000 from the canteen operating funds
6 25 established pursuant to section 904.310 to be used for
6 26 correctional educational programs funded in this lettered
6 27 paragraph.

6 28 It is the intent of the general assembly that moneys
6 29 appropriated in this lettered paragraph shall be used solely
6 30 for the purpose indicated and that the moneys shall not be
6 31 transferred for any other purpose. In addition, it is the
6 32 intent of the general assembly that the department shall
6 33 consult with the community colleges in the areas in which the
6 34 institutions are located to utilize moneys appropriated in
6 35 this lettered paragraph to fund the high school completion,



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7 1 high school equivalency diploma, adult literacy, and adult
7 2 basic education programs in a manner so as to maintain these
7 3 programs at the institutions.

7 4 To maximize the funding for educational programs, the
7 5 department shall establish guidelines and procedures to
7 6 prioritize the availability of educational and vocational
7 7 training for inmates based upon the goal of facilitating an
7 8 inmate's successful release from the correctional institution.

7 9 The director of the department of corrections may transfer
7 10 moneys from Iowa prison industries for use in educational
7 11 programs for inmates.

7 12 Notwithstanding section 8.33, moneys appropriated in this
7 13 lettered paragraph that remain unobligated or unexpended at
7 14 the close of the fiscal year shall not revert but shall remain
7 15 available for expenditure only for the purpose designated in
7 16 this lettered paragraph until the close of the succeeding
7 17 fiscal year.

7 18 c. For the development of the Iowa corrections offender
7 19 network (ICON) data system:

7 20 \$ 427,700

7 21 d. For offender mental health and substance abuse
7 22 treatment:

7 23 \$ 25,000

7 24 e. For viral hepatitis prevention and treatment:

7 25 \$ 188,000

7 26 2. It is the intent of the general assembly that the
7 27 department of corrections shall continue to operate the
7 28 correctional farms under the control of the department at the
7 29 same or greater level of participation and involvement as
7 30 existed as of January 1, 2008; shall not enter into any rental
7 31 agreement or contract concerning any farmland under the
7 32 control of the department that is not subject to a rental
7 33 agreement or contract as of January 1, 2008, without prior
7 34 legislative approval; and shall further attempt to provide job
7 35 opportunities at the farms for inmates. The department shall



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8 1 attempt to provide job opportunities at the farms for inmates
8 2 by encouraging labor-intensive farming or gardening where
8 3 appropriate; using inmates to grow produce and meat for
8 4 institutional consumption; researching the possibility of
8 5 instituting food canning and cook-and-chill operations; and
8 6 exploring opportunities for organic farming and gardening,
8 7 livestock ventures, horticulture, and specialized crops.

8 8 5. The department of corrections shall provide a smoking
8 9 cessation program to offenders committed to the custody of the
8 10 director or who are otherwise detained by the department, that
8 11 complies with legislation enacted restricting or prohibiting
8 12 smoking on the grounds of correctional institutions.

8 13 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
8 14 SERVICES.

8 15 1. There is appropriated from the general fund of the
8 16 state to the department of corrections for the fiscal year
8 17 beginning July 1, 2008, and ending June 30, 2009, for the
8 18 treatment and supervision of probation and parole violators
8 19 who have been released from the department of corrections
8 20 violator program, the following amounts, or so much thereof as
8 21 is necessary, to be allocated as follows:

- 8 22 a. For the first judicial district department of
8 23 correctional services:
8 24 \$ 12,912,033
- 8 25 b. For the second judicial district department of
8 26 correctional services:
8 27 \$ 10,669,139
- 8 28 c. For the third judicial district department of
8 29 correctional services:
8 30 \$ 5,903,401
- 8 31 d. For the fourth judicial district department of
8 32 correctional services:
8 33 \$ 5,419,406
- 8 34 e. For the fifth judicial district department of
8 35 correctional services, including funding for electronic



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9 1 monitoring devices for use on a statewide basis:
 9 2 \$ 18,276,003
 9 3 f. For the sixth judicial district department of
 9 4 correctional services:
 9 5 \$ 12,475,246
 9 6 The sixth judicial district department of correctional
 9 7 services shall maintain a youth leadership model program to
 9 8 help at-risk youth. As a part of the program, the district
 9 9 department may recruit college or high school students in the
 9 10 judicial district to work with at-risk youth. The student
 9 11 workers shall be recruited regardless of gender and be
 9 12 recommended by their respective schools as good role models,
 9 13 including but not limited to students who possess capabilities
 9 14 in one or more of the following areas of ability: intellectual
 9 15 capacity, athletics, visual arts, or performing arts.
 9 16 g. For the seventh judicial district department of
 9 17 correctional services:
 9 18 \$ 7,020,794
 9 19 h. For the eighth judicial district department of
 9 20 correctional services:
 9 21 \$ 6,998,544
 9 22 2. Each judicial district department of correctional
 9 23 services, within the funding available, shall continue
 9 24 programs and plans established within that district to provide
 9 25 for intensive supervision, sex offender treatment, diversion
 9 26 of low-risk offenders to the least restrictive sanction
 9 27 available, job development, and expanded use of intermediate
 9 28 criminal sanctions.
 9 29 3. Each judicial district department of correctional
 9 30 services shall provide alternatives to prison consistent with
 9 31 chapter 901B. The alternatives to prison shall ensure public
 9 32 safety while providing maximum rehabilitation to the offender.
 9 33 A judicial district department of correctional services may
 9 34 also establish a day program.
 9 35 4. The governor's office of drug control policy shall



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10 1 consider federal grants made to the department of corrections
10 2 for the benefit of each of the eight judicial district
10 3 departments of correctional services as local government
10 4 grants, as defined pursuant to federal regulations.

10 5 5. The department of corrections shall continue to
10 6 contract with a judicial district department of correctional
10 7 services to provide for the rental of electronic monitoring
10 8 equipment which shall be available statewide.

10 9 Sec. 6. DEPARTMENT OF CORRECTIONS == REALLOCATION OF
10 10 APPROPRIATIONS. Notwithstanding section 8.39, within the
10 11 funds appropriated in this Act to the department of
10 12 corrections, the department may reallocate the funds
10 13 appropriated and allocated as necessary to best fulfill the
10 14 needs of the correctional institutions, administration of the
10 15 department, and the judicial district departments of
10 16 correctional services. However, in addition to complying with
10 17 the requirements of sections 904.116 and 905.8 and providing
10 18 notice to the legislative services agency, the department of
10 19 corrections shall also provide notice to the department of
10 20 management, prior to the effective date of the revision or
10 21 reallocation of an appropriation made pursuant to this
10 22 section. The department shall not reallocate an appropriation
10 23 or allocation for the purpose of eliminating any program.

10 24 Sec. 7. INTENT == REPORTS.

10 25 1. The department in cooperation with townships, the Iowa
10 26 cemetery associations, and other nonprofit or governmental
10 27 entities may use inmate labor during the fiscal year beginning
10 28 July 1, 2008, to restore or preserve rural cemeteries and
10 29 historical landmarks. The department in cooperation with the
10 30 counties may also use inmate labor to clean up roads, major
10 31 water sources, and other water sources around the state.

10 32 2. Each month the department shall provide a status report
10 33 regarding private-sector employment to the legislative
10 34 services agency beginning on July 1, 2008. The report shall
10 35 include the number of offenders employed in the private



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11 1 sector, the combined number of hours worked by the offenders,
11 2 and the total amount of allowances, and the distribution of
11 3 allowances pursuant to section 904.702, including any moneys
11 4 deposited in the general fund of the state.

11 5 Sec. 8. ELECTRONIC MONITORING REPORT. The department of
11 6 corrections shall submit a report on electronic monitoring to
11 7 the general assembly, to the co-chairpersons and the ranking
11 8 members of the joint appropriations subcommittee on the
11 9 justice system, and to the legislative services agency by
11 10 January 15, 2009. The report shall specifically address the
11 11 number of persons being electronically monitored and break
11 12 down the number of persons being electronically monitored by
11 13 offense committed. The report shall also include a comparison
11 14 of any data from the prior fiscal year with the current year.

11 15 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

11 16 1. As used in this section, unless the context otherwise
11 17 requires, "state agency" means the government of the state of
11 18 Iowa, including but not limited to all executive branch
11 19 departments, agencies, boards, bureaus, and commissions, the
11 20 judicial branch, the general assembly and all legislative
11 21 agencies, institutions within the purview of the state board
11 22 of regents, and any corporation whose primary function is to
11 23 act as an instrumentality of the state.

11 24 2. State agencies are hereby encouraged to purchase
11 25 products from Iowa state industries, as defined in section
11 26 904.802, when purchases are required and the products are
11 27 available from Iowa state industries. State agencies shall
11 28 obtain bids from Iowa state industries for purchases of office
11 29 furniture during the fiscal year beginning July 1, 2008,
11 30 exceeding \$5,000 or in accordance with applicable
11 31 administrative rules related to purchases for the agency.

11 32 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated
11 33 from the general fund of the state to the office of the state
11 34 public defender of the department of inspections and appeals
11 35 for the fiscal year beginning July 1, 2008, and ending June



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12 1 30, 2009, the following amounts, or so much thereof as is
 12 2 necessary, to be allocated as follows for the purposes
 12 3 designated:

12 4 1. For salaries, support, maintenance, miscellaneous
 12 5 purposes, and for not more than the following full-time
 12 6 equivalent positions:

12 7	.....	\$ 21,749,296
12 8	..... FTEs	203.00

12 9 2. For the fees of court-appointed attorneys for indigent
 12 10 adults and juveniles, in accordance with section 232.141 and
 12 11 chapter 815:

12 12	\$ 31,282,538
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12 13 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

12 14 1. There is appropriated from the general fund of the
 12 15 state to the Iowa law enforcement academy for the fiscal year
 12 16 beginning July 1, 2008, and ending June 30, 2009, the
 12 17 following amount, or so much thereof as is necessary, to be
 12 18 used for the purposes designated:

12 19 For salaries, support, maintenance, miscellaneous purposes,
 12 20 including jailer training and technical assistance, and for
 12 21 not more than the following full-time equivalent positions:

12 22	.....	\$ 1,283,115
12 23	..... FTEs	30.05

12 24 It is the intent of the general assembly that the Iowa law
 12 25 enforcement academy may provide training of state and local
 12 26 law enforcement personnel concerning the recognition of and
 12 27 response to persons with Alzheimer's disease.

12 28 The Iowa law enforcement academy may temporarily exceed and
 12 29 draw more than the amount appropriated and incur a negative
 12 30 cash balance as long as there are receivables equal to or
 12 31 greater than the negative balance and the amount appropriated
 12 32 in this subsection is not exceeded at the close of the fiscal
 12 33 year.

12 34 2. The Iowa law enforcement academy may select at least
 12 35 five automobiles of the department of public safety, division



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13 1 of state patrol, prior to turning over the automobiles to the
 13 2 department of administrative services to be disposed of by
 13 3 public auction, and the Iowa law enforcement academy may
 13 4 exchange any automobile owned by the academy for each
 13 5 automobile selected if the selected automobile is used in
 13 6 training law enforcement officers at the academy. However,
 13 7 any automobile exchanged by the academy shall be substituted
 13 8 for the selected vehicle of the department of public safety
 13 9 and sold by public auction with the receipts being deposited
 13 10 in the depreciation fund to the credit of the department of
 13 11 public safety, division of state patrol.

13 12 Sec. 12. BOARD OF PAROLE. There is appropriated from the
 13 13 general fund of the state to the board of parole for the
 13 14 fiscal year beginning July 1, 2008, and ending June 30, 2009,
 13 15 the following amount, or so much thereof as is necessary, to
 13 16 be used for the purposes designated:

13 17 For salaries, support, maintenance, miscellaneous purposes,
 13 18 and for not more than the following full-time equivalent
 13 19 positions:
 13 20 \$ 1,249,992
 13 21 FTEs 18.50

13 22 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
 13 23 appropriated from the general fund of the state to the
 13 24 department of public defense for the fiscal year beginning
 13 25 July 1, 2008, and ending June 30, 2009, the following amounts,
 13 26 or so much thereof as is necessary, to be used for the
 13 27 purposes designated:

13 28 1. MILITARY DIVISION
 13 29 For salaries, support, maintenance, miscellaneous purposes,
 13 30 and for not more than the following full-time equivalent
 13 31 positions:
 13 32 \$ 6,404,798
 13 33 FTEs 306.43

13 34 The military division may temporarily exceed and draw more
 13 35 than the amount appropriated and incur a negative cash balance



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14 1 as long as there are receivables of federal funds equal to or
14 2 greater than the negative balance and the amount appropriated
14 3 in this subsection is not exceeded at the close of the fiscal
14 4 year.

14 5 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

14 6 a. For salaries, support, maintenance, miscellaneous
14 7 purposes, and for not more than the following full-time
14 8 equivalent positions:

14 9	\$	2,271,581
14 10	FTEs	35.10

14 11 The homeland security and emergency management division may
14 12 temporarily exceed and draw more than the amount appropriated
14 13 and incur a negative cash balance as long as there are
14 14 receivables of federal funds equal to or greater than the
14 15 negative balance and the amount appropriated in this
14 16 subsection is not exceeded at the close of the fiscal year.

14 17 It is the intent of the general assembly that the homeland
14 18 security and emergency management division work in conjunction
14 19 with the department of public safety, to the extent possible,
14 20 when gathering and analyzing information related to potential
14 21 domestic or foreign security threats, and when monitoring such
14 22 threats.

14 23 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
14 24 appropriated from the general fund of the state to the
14 25 department of public safety for the fiscal year beginning July
14 26 1, 2008, and ending June 30, 2009, the following amounts, or
14 27 so much thereof as is necessary, to be used for the purposes
14 28 designated:

14 29 1. For the department's administrative functions,		
14 30 including the criminal justice information system, and for not		
14 31 more than the following full-time equivalent positions:		
14 32	\$	4,455,581
14 33	FTEs	39.00

14 34 2. For the division of criminal investigation, including
14 35 the state's contribution to the peace officers' retirement,



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15 1 accident, and disability system provided in chapter 97A in the
15 2 amount of 17 percent of the salaries for which the funds are
15 3 appropriated, to meet federal fund matching requirements, and
15 4 for not more than the following full-time equivalent
15 5 positions:

15 6 \$ 21,121,120
15 7 FTEs 283.50

15 8 If any of the Indian tribes fail to pay for one full-time
15 9 equivalent position pursuant to the agreements or compacts
15 10 entered into between the state and the Indian tribes pursuant
15 11 to section 10A.104, subsection 10, the number of full-time
15 12 equivalent positions authorized under this subsection is
15 13 reduced to 282.50 positions.

15 14 The department of public safety, with the approval of the
15 15 department of management, may employ no more than two special
15 16 agents and four gaming enforcement officers for each
15 17 additional riverboat or gambling structure regulated after
15 18 July 1, 2008, and one special agent for each racing facility
15 19 which becomes operational during the fiscal year which begins
15 20 July 1, 2008. One additional gaming enforcement officer, up
15 21 to a total of four per riverboat or gambling structure, may be
15 22 employed for each riverboat or gambling structure that has
15 23 extended operations to 24 hours and has not previously
15 24 operated with a 24-hour schedule. Positions authorized in
15 25 this paragraph are in addition to the full-time equivalent
15 26 positions otherwise authorized in this subsection.

15 27 3. For the criminalistics laboratory fund created in
15 28 section 691.9:

15 29 \$ 342,000

15 30 4. a. For the division of narcotics enforcement,
15 31 including the state's contribution to the peace officers'
15 32 retirement, accident, and disability system provided in
15 33 chapter 97A in the amount of 17 percent of the salaries for
15 34 which the funds are appropriated, to meet federal fund
15 35 matching requirements, and for not more than the following



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16 1 full-time equivalent positions:
 16 2 \$ 6,302,046
 16 3 FTEs 82.00
 16 4 b. For the division of narcotics enforcement for
 16 5 undercover purchases:
 16 6 \$ 123,343
 16 7 5. For the division of state fire marshal, for fire
 16 8 protection services as provided through the state fire service
 16 9 and emergency response council as created in the department,
 16 10 and for the state's contribution to the peace officers'
 16 11 retirement, accident, and disability system provided in
 16 12 chapter 97A in the amount of 17 percent of the salaries for
 16 13 which the funds are appropriated, and for not more than the
 16 14 following full-time equivalent positions:
 16 15 \$ 3,991,394
 16 16 FTEs 57.00
 16 17 6. For the division of state patrol, for salaries,
 16 18 support, maintenance, workers' compensation costs, and
 16 19 miscellaneous purposes, including the state's contribution to
 16 20 the peace officers' retirement, accident, and disability
 16 21 system provided in chapter 97A in the amount of 17 percent of
 16 22 the salaries for which the funds are appropriated, and for not
 16 23 more than the following full-time equivalent positions:
 16 24 \$ 49,688,777
 16 25 FTEs 535.00
 16 26 It is the intent of the general assembly that members of
 16 27 the state patrol be assigned to patrol the highways and roads
 16 28 in lieu of assignments for inspecting school buses for the
 16 29 school districts.
 16 30 7. For deposit in the sick leave benefits fund established
 16 31 under section 80.42 for all departmental employees eligible to
 16 32 receive benefits for accrued sick leave under the collective
 16 33 bargaining agreement:
 16 34 \$ 316,179
 16 35 8. For costs associated with the training and equipment



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17 1 needs of volunteer fire fighters:
 17 2 \$ 669,587
 17 3 Notwithstanding section 8.33, moneys appropriated in this
 17 4 subsection that remain unencumbered or unobligated at the
 17 5 close of the fiscal year shall not revert but shall remain
 17 6 available for expenditure only for the purpose designated in
 17 7 this subsection until the close of the succeeding fiscal year.
 17 8 Notwithstanding section 8.39, within the funds appropriated
 17 9 in this section the department of public safety may reallocate
 17 10 funds as necessary to best fulfill the needs provided for in
 17 11 the appropriation. However, the department shall not
 17 12 reallocate an appropriation made to the department in this
 17 13 section unless notice of the reallocation is given to the
 17 14 legislative services agency and the department of management
 17 15 prior to the effective date of the reallocation. The notice
 17 16 shall include information about the rationale for reallocating
 17 17 the appropriation. The department shall not reallocate an
 17 18 appropriation made in this section for the purpose of
 17 19 eliminating any program.
 17 20 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated
 17 21 from the general fund of the state to the Iowa state civil
 17 22 rights commission for the fiscal year beginning July 1, 2008,
 17 23 and ending June 30, 2009, the following amount, or so much
 17 24 thereof as is necessary, to be used for the purposes
 17 25 designated:
 17 26 For salaries, support, maintenance, miscellaneous purposes,
 17 27 and for not more than the following full-time equivalent
 17 28 positions:
 17 29 \$ 1,504,036
 17 30 FTEs 29.00
 17 31 The Iowa state civil rights commission may enter into a
 17 32 contract with a nonprofit organization to provide legal
 17 33 assistance to resolve civil rights complaints.
 17 34 Sec. 16. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
 17 35 DIVISION. There is appropriated from the wireless E911



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18 1 emergency communications fund created in section 34A.7A to the
18 2 administrator of the homeland security and emergency
18 3 management division of the department of public defense for
18 4 the fiscal year beginning July 1, 2008, and ending June 30,
18 5 2009, an amount not exceeding \$200,000 to be used for
18 6 implementation, support, and maintenance of the functions of
18 7 the administrator and program manager under chapter 34A and to
18 8 employ the auditor of the state to perform an annual audit of
18 9 the wireless E911 emergency communications fund.

18 10 Sec. 17. IOWA LAW ENFORCEMENT ACADEMY == FEES.

18 11 Notwithstanding section 80B.11B, the Iowa law enforcement
18 12 academy may charge more than one-half the cost of providing
18 13 the basic training course if a majority of the Iowa law
18 14 enforcement academy council authorizes charging more than one=
18 15 half of the cost of providing basic training. This section is
18 16 repealed on June 30, 2009.

18 17 Sec. 18. Section 822.2, subsection 1, unnumbered paragraph
18 18 1, Code 2007, is amended to read as follows:

18 19 Any person who has been convicted of, or sentenced for, a
18 20 public offense and who claims any of the following may
18 21 institute, ~~without paying a filing fee,~~ a proceeding under
18 22 this chapter to secure relief:

18 23 Sec. 19. Section 904.108, subsection 4, Code 2007, is
18 24 amended to read as follows:

18 25 4. The director may expend moneys from the support
18 26 allocation of the department as reimbursement for replacement
18 27 or repair of personal items of the department's employees
18 28 damaged or destroyed by clients of the department during the
18 29 employee's tour of duty. However, the reimbursement shall not
18 30 exceed ~~one~~ three hundred ~~fifty~~ dollars for each item. The
18 31 director shall establish rules in accordance with chapter 17A
18 32 to carry out the purpose of this subsection.

18 33 EXPLANATION

18 34 This bill makes appropriations from the general fund of the
18 35 state for fiscal year 2008=2009 to the departments of justice,



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19 1 corrections, public defense, and public safety, and the Iowa
19 2 law enforcement academy, office of consumer advocate, office
19 3 of the state public defender, board of parole, and Iowa state
19 4 civil rights commission.

19 5 The bill also appropriates moneys, not to exceed \$200,000,
19 6 from the wireless E911 emergency communications fund to the
19 7 homeland security and emergency management division for
19 8 implementation, support, and maintenance of the functions of
19 9 the administrator and program manager of the E911 emergency
19 10 system.

19 11 The bill provides that if additional funding becomes
19 12 available the funds will be appropriated for eight additional
19 13 correctional officer positions to be distributed between the
19 14 Anamosa correctional facility and the Mt. Pleasant
19 15 correctional facility.

19 16 The bill provides that if any of the Indian tribes fail to
19 17 fund one FTE position within the division of criminal
19 18 investigation of the department of public safety pursuant to
19 19 the agreements and compacts entered into between the state and
19 20 the Indian tribes, the number of authorized FTE positions
19 21 within the division is reduced by one FTE.

19 22 The bill specifies that a person filing a civil action for
19 23 postconviction relief pursuant to Code chapter 822, must pay a
19 24 filing fee.

19 25 The bill addresses Code section 80B.11B to provide that for
19 26 FY 2008=2009 the Iowa law enforcement academy may charge a
19 27 department of the state, a member of a police force, or any
19 28 political subdivision of the state more than one-half of the
19 29 cost to provide the basic training course for a law
19 30 enforcement officer, provided a majority of the Iowa law
19 31 enforcement council approves such a charge. Current law
19 32 prohibits the Iowa law enforcement academy from charging more
19 33 than one-half of the cost of providing the basic training
19 34 course.

19 35 The bill provides that the department of corrections may



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20 1 reallocate appropriated funds between the institutions of the
20 2 department of corrections, the department's administration,
20 3 and the judicial district departments of correctional
20 4 services. The bill provides the department, prior to the
20 5 effective date of any reallocation, must provide notice to the
20 6 department of management, the legislative services agency, and
20 7 the district board of any judicial district department of
20 8 correctional services affected by the reallocation.

20 9 The bill provides that the department of public safety may
20 10 also reallocate the funds appropriated to the department
20 11 between the divisions of the department. The bill provides
20 12 that the department, prior to the effective date of any
20 13 reallocation, must provide notice of the reallocation to the
20 14 department of management and the legislative services agency.

20 15 The bill amends Code section 904.108 to authorize the
20 16 department of corrections to reimburse employees for damage to
20 17 the personal property of the employee up to the amount of
20 18 \$300. Current law limits the reimbursement at \$150.

20 19 LSB 5007JB 82

20 20 jm/mg/8