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House Amendment 8380

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1 1 Amend House File 2663 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <Section 1. Section 84A.5, subsection 4, Code
1 5 Supplement 2007, is amended to read as follows:
1 6 4. The division of labor services is responsible
1 7 for the administration of the laws of this state under
1 8 chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 91, 91A,
1 9 91C, 91D, 91E, 91F, 92, and 94A, and section 85.68.
1 10 The executive head of the division is the labor
1 11 commissioner, appointed pursuant to section 91.2.
1 12 Sec. 2. NEW SECTION. 91F.1 SHORT TITLE.
1 13 This chapter shall be known and may be cited as the
1 14 "Public Improvement Quality Protection Act".
1 15 Sec. 3. NEW SECTION. 91F.2 PUBLIC POLICY.
1 16 It is in the public interest that public
1 17 improvements are completed by the best means and
1 18 highest quality of labor reasonably available, and
1 19 that workers working on public improvements be
1 20 compensated according to the real value of the
1 21 services they perform.
1 22 Sec. 4. NEW SECTION. 91F.3 DEFINITIONS.
1 23 As used in this chapter, unless the context
1 24 otherwise requires:
1 25 1. "Commissioner" means the labor commissioner
1 26 appointed pursuant to section 91.2.
1 27 2. "Contractor" or "subcontractor" means a person
1 28 who undertakes, offers to undertake, purports to have
1 29 the capacity to undertake, or submits a bid,
1 30 individually or through others, to engage in a public
1 31 improvement.
1 32 3. "Custom fabrication" means the fabrication of
1 33 plumbing, heating, cooling, ventilation, architectural
1 34 systems, structural systems, exhaust duct systems, or
1 35 mechanical insulation.
1 36 4. "Division" means the division of labor services
1 37 of the department of workforce development.
1 38 5. a. "Fringe benefits" means the following for
1 39 the provision or purchase of any of the benefits
1 40 enumerated in paragraph "b":
1 41 (1) The contribution irrevocably made by a
1 42 contractor or subcontractor to a trustee or to a third
1 43 person pursuant to a plan, fund, or program.
1 44 (2) The costs to the contractor or subcontractor
1 45 which may be reasonably anticipated in providing
1 46 benefits to workers pursuant to an enforceable
1 47 commitment to carry out a financially responsible plan
1 48 or program, given in writing to the workers affected.
1 49 b. (1) Medical or hospital care.
1 50 (2) Pensions or annuities on retirement or death.



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- 2 1 (3) Life insurance.
- 2 2 (4) Disability and sickness insurance.
- 2 3 (5) Accident insurance for nonwork-related
- 2 4 accidents.
- 2 5 (6) Vacation or holiday pay.
- 2 6 (7) Defraying costs of apprenticeship programs
- 2 7 approved by and registered with the United States
- 2 8 department of labor's bureau of apprenticeship and
- 2 9 training.
- 2 10 6. "Interested party" means any of the following:
- 2 11 a. A contractor who submits a bid for the purpose
- 2 12 of securing the award of a contract for a public
- 2 13 improvement.
- 2 14 b. A subcontractor of a contractor mentioned in a
- 2 15 bid referred to in paragraph "a".
- 2 16 c. A worker employed by a contractor or
- 2 17 subcontractor described in either paragraph "a" or
- 2 18 "b".
- 2 19 d. A labor organization that represents workers
- 2 20 engaged in the same craft or classification as workers
- 2 21 employed by a contractor or subcontractor described in
- 2 22 either paragraph "a" or "b" and that exists, in whole
- 2 23 or in part, for the purpose of negotiating with
- 2 24 employers concerning the wages, hours, or terms and
- 2 25 conditions of employment of employees.
- 2 26 e. A joint labor-management committee established
- 2 27 pursuant to the federal Labor Management Cooperation
- 2 28 Act of 1978, 29 U.S.C. } 175a.
- 2 29 7. "Locality" means a county of this state.
- 2 30 8. "Maintenance work" means the repair of existing
- 2 31 public improvements when the size, type, or extent of
- 2 32 the public improvement is not changed or increased.
- 2 33 9. "Prevailing wage rate" means the hourly wage
- 2 34 plus fringe benefits, which the commissioner
- 2 35 determines prevails in accordance with this chapter,
- 2 36 including all of the following:
- 2 37 a. Apprentice ratios and the prevailing apprentice
- 2 38 pay levels for each craft, classification, or type of
- 2 39 worker which the commissioner determines prevails in
- 2 40 accordance with section 91F.5.
- 2 41 b. A prevailing rate for overtime pay for work in
- 2 42 excess of the normal prevailing workday and for
- 2 43 weekend overtime pay for each craft, classification,
- 2 44 or type of worker, including apprentices.
- 2 45 c. Holiday pay for holidays that prevail in the
- 2 46 locality in which the work is being performed.
- 2 47 10. "Public body" means a school district.
- 2 48 11. a. "Public improvement" means any of but not
- 2 49 limited to the following that meets the criteria set
- 2 50 out in paragraphs "b" and "c":



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- 3 1 (1) Construction, alteration, reconstruction,
3 2 repair, rehabilitation, refinishing, refurbishing,
3 3 remodeling, renovation, custom fabricating,
3 4 maintenance, landscaping, improving, moving, wrecking,
3 5 painting, decorating, or demolishing of, or adding to
3 6 or subtracting from any building, structure, sewer,
3 7 ditch, parking facility, railroad, excavation or other
3 8 structure, project, development, or improvement, or
3 9 any part thereof undertaken by a public body,
3 10 including any of but not limited to the following
3 11 related activities:
- 3 12 (a) The erection of scaffolding or other
3 13 structures or works.
- 3 14 (b) The maintenance, repair, assembly, or
3 15 disassembly of equipment.
- 3 16 (c) The testing of materials.
- 3 17 (d) The hauling of refuse from a site to an
3 18 outside disposal location.
- 3 19 (e) The cleaning of grounds or structures.
- 3 20 (f) The addition to or fabrication into any
3 21 structure, project, development, or improvement of any
3 22 material or article of merchandise undertaken by a
3 23 public body.
- 3 24 (2) The preparation and removal of roadway
3 25 construction zones, lane closures, flagging, or
3 26 traffic diversions undertaken by a public body.
- 3 27 (3) The installation, repair, maintenance, or
3 28 calibration of monitoring equipment for underground
3 29 storage tanks undertaken by a public body.
- 3 30 (4) Work that is performed on any property or
3 31 premises dedicated exclusively or nearly so to the
3 32 completion of a public improvement, and transportation
3 33 of supplies, material, and equipment to or from the
3 34 property or premises undertaken by a public body.
- 3 35 b. Work on the public improvement is performed
3 36 under public supervision or direction, and the work is
3 37 financed wholly or in part from public funds, or if at
3 38 the time of commencement of the public improvement all
3 39 of the following conditions with respect to the public
3 40 improvement are met:
- 3 41 (1) Not less than fifty-five percent of the
3 42 structure is leased by a public body, or is subject to
3 43 an agreement to be subsequently leased by a public
3 44 body.
- 3 45 (2) The portion of the structure that is leased or
3 46 subject to an agreement to be subsequently leased by a
3 47 public body measures more than twenty thousand square
3 48 feet.
- 3 49 c. The public improvement project is funded by a
3 50 school district and the estimated total cost is three



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4 1 hundred thousand dollars or more.
4 2 12. "Worker" means an individual who performs any
4 3 labor or services for a contractor or subcontractor on
4 4 a public improvement but does not include an
4 5 individual when transporting supplies, materials, or
4 6 equipment for a seller, supplier, manufacturer, or
4 7 processor. The individual is deemed an employee of a
4 8 contractor or subcontractor unless all of the
4 9 following apply:
4 10 a. The individual provides labor or services free
4 11 from the direction or control over the means and
4 12 manner of providing the labor or services, subject
4 13 only to the right of the person for whom the labor or
4 14 services are provided to specify the desired results.
4 15 b. The individual providing the labor or services
4 16 is responsible for obtaining business registrations or
4 17 licenses required by state law or local ordinance to
4 18 provide the labor or services.
4 19 c. The individual providing the labor or services
4 20 furnishes the tools and equipment necessary to provide
4 21 the labor or services.
4 22 d. The individual providing the labor or services
4 23 has the authority to hire and fire employees to
4 24 perform the labor or services.
4 25 e. Payment for the labor or services is made upon
4 26 completion of the performance of specific portions of
4 27 a public improvement, or is made on the basis of a
4 28 periodic retainer.
4 29 f. The individual providing the labor or services
4 30 represents to the public that the labor or services
4 31 are to be provided by an independently established
4 32 business. An individual is engaged in an
4 33 independently established business when four or more
4 34 of the following circumstances exist:
4 35 (1) Labor or services are primarily performed at a
4 36 location separate from the individual's residence or
4 37 in a specified portion of the residence that is set
4 38 aside for performing labor or services.
4 39 (2) Commercial advertising or business cards are
4 40 purchased by the individual, or the individual is a
4 41 member of a trade or professional association.
4 42 (3) Telephone or electronic mail listings used by
4 43 the individual for the labor or services are different
4 44 from the individual's personal listings.
4 45 (4) Labor or services are performed only pursuant
4 46 to a written contract.
4 47 (5) Labor or services are performed for two or
4 48 more persons or entities within a period of one year.
4 49 (6) The individual assumes financial
4 50 responsibility for errors and omissions in the



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5 1 performance of the labor or services as evidenced by
5 2 insurance, performance bonds, and warranties relating
5 3 to the labor or services provided.
5 4 Sec. 5. NEW SECTION. 91F.4 ADMINISTRATION.
5 5 The commissioner and the division shall administer
5 6 this chapter and the commissioner shall adopt rules
5 7 for the administration and enforcement of this chapter
5 8 as provided in section 91.6.
5 9 Sec. 6. NEW SECTION. 91F.5 DETERMINATION OF
5 10 PREVAILING WAGES.
5 11 1. The commissioner shall determine annually and
5 12 publish, on the first business day of July, the
5 13 prevailing wage rates by locality for each craft,
5 14 classification, or type of worker needed to perform
5 15 work on public improvements. The rates shall be
5 16 conclusive for one year from the date of publication
5 17 unless superseded within the one year by a later
5 18 publication of the commissioner, or for a longer
5 19 period as provided in subsection 5.
5 20 2. The commissioner shall announce all prevailing
5 21 wage rate determinations by locality and give notice
5 22 by posting them on the portion of the department of
5 23 workforce development's website related to the
5 24 division. A printed version of the prevailing wage
5 25 rates for the state shall be available to the public
5 26 upon request to the division.
5 27 3. The public body awarding any contract for a
5 28 public improvement, or otherwise undertaking any
5 29 public improvement, shall obtain from the website the
5 30 prevailing wage rate in the locality in which the
5 31 public improvement is to be performed for each craft,
5 32 classification, or type of worker needed to perform
5 33 work on the public improvement. After a public
5 34 improvement contract is awarded, or a public
5 35 improvement is otherwise undertaken, the prevailing
5 36 wage rate published by the commissioner and stated in
5 37 the public body's public improvement procurement
5 38 documents shall remain in effect throughout the
5 39 duration of the public improvement unless superseded
5 40 by a later determination and publication by the
5 41 commissioner, or unless multiyear prevailing wage
5 42 rates have been published by the commissioner at the
5 43 time the public improvement procurement documents were
5 44 released.
5 45 4. a. In determining the annual prevailing wage
5 46 rate for any craft, classification, or type of worker,
5 47 the commissioner shall ascertain and consider the
5 48 applicable wage rates and fringe benefits established
5 49 by collective bargaining agreements, the prevailing
5 50 wage rate determinations that may exist for federal



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6 1 public improvements within the locality and other data
6 2 obtained by the department during any prevailing wage
6 3 rate survey of contractors who participate in an
6 4 apprenticeship program approved by and registered with
6 5 the United States department of labor's bureau of
6 6 apprenticeship and training, who provide health
6 7 insurance and retirement benefits for their workers,
6 8 and who are registered with the division. Based upon
6 9 these considerations, the commissioner shall calculate
6 10 the prevailing wage rates based on the wage rate plus
6 11 fringe benefits most often occurring for each craft,
6 12 classification, or other type of worker within each
6 13 locality.

6 14 b. The minimum annual prevailing wage rate
6 15 determination established by the department shall not
6 16 be lower than the prevailing wage rate determination
6 17 that may exist for federal public improvements within
6 18 the locality.

6 19 c. Notwithstanding other provisions of this
6 20 chapter, except for the threshold criteria of section
6 21 91F.3, subsection 11, paragraph "c", federal
6 22 Davis=Bacon Act prevailing wage rates and procedures,
6 23 as defined in 29 C.F.R. pts. 1, 3, and 5, and
6 24 administered by the public body, shall apply to public
6 25 improvements that are publicly owned horizontal
6 26 transportation infrastructure, which includes but is
6 27 not limited to roads and streets as defined in section
6 28 306.3.

6 29 d. None of the benefits enumerated in this chapter
6 30 may be considered in the determination of prevailing
6 31 wage rates if the contractor or subcontractor is
6 32 required by other federal, state, or local law to
6 33 provide such benefits.

6 34 5. If the commissioner determines that the
6 35 prevailing wage rate for any craft, classification, or
6 36 type of worker is the rate established by a collective
6 37 bargaining agreement applicable in the locality, the
6 38 commissioner may adopt that rate by reference and that
6 39 determination shall be effective for the life of the
6 40 agreement or until the commissioner adopts another
6 41 rate.

6 42 6. a. At any time within fifteen days after the
6 43 division has published on the department of workforce
6 44 development's website the annual prevailing wage rates
6 45 for each classification, craft, or other type of
6 46 worker in the locality, any interested person affected
6 47 may object to the determination or the part of the
6 48 determination as the interested person may deem
6 49 objectionable by filing a written notice with the
6 50 commissioner by restricted certified mail as defined



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7 1 in section 618.15. When objecting to a prevailing
7 2 wage rate determination, the interested person shall
7 3 submit, as a part of the written notice, the
7 4 prevailing wage rate the interested person believes to
7 5 be the correct prevailing wage rate determination,
7 6 stating the specific grounds to support that position.
7 7 Upon receipt of the notice of objection, the
7 8 commissioner shall reconsider the determination and
7 9 shall affirm or modify the determination and reply in
7 10 writing by restricted certified mail to the interested
7 11 person within fifteen days from the date of the
7 12 receipt of the notice of objection. Any modification
7 13 to the prevailing wage rate determination shall be
7 14 effective on the date the modification is published by
7 15 the commissioner.

7 16 b. If the commissioner declines to modify the
7 17 determination, within ten days upon receiving receipt
7 18 of the commissioner's decision, the interested person
7 19 affected may submit in writing the objection to the
7 20 division by restricted certified mail, stating the
7 21 specified grounds of the objection. The department of
7 22 inspections and appeals shall be notified of the
7 23 objection and set a date for a hearing before an
7 24 administrative law judge on the objection, after
7 25 giving notice by restricted certified mail to the
7 26 interested person and the division at least ten days
7 27 before the date of the hearing of the time and place
7 28 of the hearing. The hearing shall be held within
7 29 forty-five days after the objection is filed, and
7 30 shall not be postponed or reset for a later date
7 31 except upon the consent, in writing, of the interested
7 32 person and the division.

7 33 7. The party requesting a hearing shall have the
7 34 burden of establishing that the annual prevailing wage
7 35 rate determination for that locality was not
7 36 determined in accordance with this chapter. If the
7 37 party requesting a hearing under this section objects
7 38 to the commissioner's failure to include a craft,
7 39 classification, or type of worker within the annual
7 40 prevailing wage rate determination in the locality,
7 41 the objector shall have the burden of establishing
7 42 that there is no existing prevailing wage rate
7 43 classification for the particular craft,
7 44 classification, or type of worker in any of the
7 45 localities under consideration.

7 46 8. The administrative law judge may in the
7 47 administrative law judge's discretion hear each
7 48 written objection filed separately or consolidate for
7 49 hearing any one or more written objections filed with
7 50 the division. At the hearing, the division shall



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8 1 introduce into evidence the investigation it
8 2 instituted which formed the basis of its
8 3 determination, and the division or any interested
8 4 objectors may introduce evidence that is material to
8 5 the determination. The administrative law judge shall
8 6 rule upon each written objection and make a final
8 7 determination, as the administrative law judge
8 8 believes the evidence warrants, and promptly serve a
8 9 copy of the final determination by personal service or
8 10 restricted certified mail on all parties to the
8 11 proceedings. The administrative law judge shall
8 12 render a final determination within thirty days after
8 13 the conclusion of the hearing.

8 14 9. If proceedings to review judicially the final
8 15 determination of the administrative law judge are not
8 16 instituted as provided in this section, the
8 17 determination shall be final and binding. The
8 18 provisions of section 17A.19 shall apply to and govern
8 19 all proceedings. Appeals from all final orders and
8 20 judgments entered by the court in review of the final
8 21 determination of the administrative law judge may be
8 22 taken by any party to the action. In all reviews or
8 23 appeals under this chapter, the attorney general shall
8 24 represent the division and defend its determination.

8 25 10. This section does not give reason or provide
8 26 cause for an injunction to halt or delay any public
8 27 improvement.

8 28 Sec. 7. NEW SECTION. 91F.6 PAYMENT OF PREVAILING
8 29 WAGES REQUIRED.

8 30 1. Contractors and subcontractors engaged in a
8 31 public improvement shall pay not less than the current
8 32 prevailing wage rates in accordance with this chapter
8 33 to all of their workers engaged in the public
8 34 improvement. However, this chapter does not prohibit
8 35 the payment of more than the prevailing wage rate to
8 36 any workers engaged in a public improvement.

8 37 2. All contractors and subcontractors required to
8 38 pay the prevailing wage rate under this chapter shall
8 39 pay the wages in legal tender, without any deduction
8 40 for food, sleeping accommodations, transportation, use
8 41 of tools or safety equipment, vehicle or equipment
8 42 rental, or any other thing of any kind or description.

8 43 Sec. 8. NEW SECTION. 91F.7 REQUIREMENTS FOR
8 44 PUBLIC IMPROVEMENTS.

8 45 1. The public body awarding a contract for a
8 46 public improvement or otherwise undertaking a public
8 47 improvement shall specify in the call for bids for the
8 48 contract that this chapter applies to the public
8 49 improvement.

8 50 2. If a public improvement requires the payment of



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9 1 prevailing wage rates, the public body shall require
9 2 the contractor to execute a written instrument that
9 3 not less than the prevailing wage rate shall be paid
9 4 to all workers performing work on the public
9 5 improvement. The written instrument shall also
9 6 contain a provision that if it is found that any of
9 7 the contractor's workers engaged in the public
9 8 improvement has been paid at a wage rate less than the
9 9 prevailing wage rate required by this chapter, the
9 10 public body may terminate the contractor's right to
9 11 proceed with the work and the contractor and its
9 12 sureties shall be liable to the public body for any
9 13 excess costs occasioned by the failure to pay the
9 14 prevailing wage rate. The written instrument shall
9 15 have attached a list of the prevailing wage rates in
9 16 accordance with this chapter for all crafts,
9 17 classifications, or types of workers in the locality
9 18 for each worker needed to be included in the contract
9 19 for the public improvement.

9 20 3. If a contract is let for a public improvement
9 21 requiring the payment of prevailing wage rates, the
9 22 public body awarding the contract shall cause to be
9 23 inserted in the public improvement specifications and
9 24 contract a stipulation that not less than the
9 25 prevailing wage rate shall be paid to all workers
9 26 performing work under the contract. The contract
9 27 shall also contain a provision to the effect that if
9 28 it is found that any of the contractor's workers
9 29 engaged in the public improvement has been paid at a
9 30 wage rate less than the prevailing wage rate required
9 31 by this chapter, the public body may terminate the
9 32 contractor's right to proceed with the work and the
9 33 contractor and its sureties shall be liable to the
9 34 public body for any excess costs occasioned by the
9 35 failure to pay the prevailing wage rate. All bid
9 36 specifications shall list the prevailing wage rates in
9 37 accordance with this chapter for all crafts,
9 38 classifications, or types of workers in the locality
9 39 for each worker needed to be included in the contract.

9 40 4. If a public improvement requires the payment of
9 41 prevailing wage rates, the contractor shall require
9 42 any subcontractors engaged by the contractor on the
9 43 public improvement to execute a written instrument
9 44 that not less than the prevailing wage rates shall be
9 45 paid to all workers performing work on the public
9 46 improvement. The written instrument shall also
9 47 contain a provision that if it is found that any of
9 48 the subcontractor's workers engaged in the public
9 49 improvement has been paid at a wage rate less than the
9 50 prevailing wage rate required by this chapter, the



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10 1 public body may terminate the subcontractor's right to
10 2 proceed with the work and the subcontractor and its
10 3 sureties shall be liable to the public body for any
10 4 excess costs occasioned by the failure to pay the
10 5 prevailing wage rate. The written instrument shall
10 6 have attached a list of the prevailing wage rates in
10 7 accordance with this chapter for all crafts,
10 8 classifications, or types of workers in the locality
10 9 for each worker needed to be included in the contract.
10 10 5. If a subcontract is let for a public
10 11 improvement requiring the payment of the prevailing
10 12 wage rate, the contractor to whom the contract is
10 13 awarded shall insert into the subcontract and into the
10 14 public improvement project specifications for each
10 15 subcontract a written stipulation that not less than
10 16 the prevailing wage rate shall be paid to all workers
10 17 performing work under the subcontract. A
10 18 subcontractor shall insert into each lower-tiered
10 19 subcontract a stipulation that not less than the
10 20 prevailing wage rate shall be paid to all workers
10 21 performing work under the subcontract. The
10 22 subcontract shall also contain a provision that if it
10 23 is found that any subcontractor's workers engaged in
10 24 the public improvement have been paid at a wage rate
10 25 less than the prevailing wage rate required by this
10 26 chapter, the public body may terminate the
10 27 subcontractor's right to proceed with the work and the
10 28 subcontractor and its sureties shall be liable to the
10 29 public body for any excess costs occasioned by the
10 30 failure to pay the prevailing wage rate. All bid
10 31 specifications shall list the prevailing wage rates in
10 32 accordance with this chapter for all crafts,
10 33 classifications, or types of workers in the locality
10 34 for each worker needed to be included in the
10 35 subcontract.
10 36 6. A contractor or subcontractor engaging in a
10 37 public improvement shall submit a performance bond in
10 38 an amount determined by the public body which bond
10 39 shall include a provision that will guarantee the
10 40 payment of the prevailing wage rates as required by
10 41 the contract.
10 42 7. Before final payment is made by or on behalf of
10 43 a public body of any sum or sums due on a public
10 44 improvement, the treasurer of the public body or other
10 45 officer or person charged with the custody and
10 46 disbursement of the funds of the public body shall
10 47 require the contractor and subcontractor to file a
10 48 written statement with the public body, in a form
10 49 satisfactory to the division, certifying to the
10 50 amounts then due and owing from the contractor and



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11 1 subcontractor to any and all workers for wages due on
11 2 account of the public improvement, setting forth the
11 3 names of the persons whose wages are unpaid and the
11 4 amount due to each respectively. The statement shall
11 5 be verified by the oath of the contractor or
11 6 subcontractor, as the case may be, that the contractor
11 7 or subcontractor has read the statement certified by
11 8 the contractor or subcontractor, knows the contents,
11 9 and that the statement is true in accordance with the
11 10 contractor's or subcontractor's own knowledge.
11 11 However, this chapter shall not impair the right of a
11 12 contractor to receive final payment from a public body
11 13 because of the failure of a subcontractor to comply
11 14 with provisions of this chapter. The treasurer of the
11 15 public body or other officer or person charged with
11 16 the custody and disbursement of the funds of the
11 17 public body shall withhold the amount, if any, listed
11 18 on the verified statement filed pursuant to this
11 19 section for the benefit of the worker whose wages are
11 20 unpaid as shown by the verified statement filed by the
11 21 contractor or subcontractor, and the public body shall
11 22 pay directly to any worker the amount shown by the
11 23 statement to be due to the worker for the wages.
11 24 Payment shall discharge the obligation of the
11 25 contractor or subcontractor to the person receiving
11 26 the payment to the extent of the amount of the
11 27 payment.

11 28 8. The public body awarding a contract for a
11 29 public improvement or otherwise undertaking a public
11 30 improvement shall notify the commissioner in writing,
11 31 on a form prescribed by the commissioner, if a
11 32 contract subject to the provisions of this chapter has
11 33 been awarded or a public improvement subject to the
11 34 provisions of this chapter has been undertaken. The
11 35 public body shall file the notification with the
11 36 commissioner within thirty days after the contract is
11 37 awarded or before commencement of the public
11 38 improvement, and shall include a list of all
11 39 first-tier subcontractors.

11 40 Sec. 9. NEW SECTION. 91F.8 FEDERAL PUBLIC
11 41 IMPROVEMENTS == NOT APPLICABLE.

11 42 The provisions of this chapter shall not be
11 43 applicable to public improvements financed entirely by
11 44 federal funds which require a prevailing wage rate
11 45 determination by the United States department of
11 46 labor. However, unless a federal provision applies,
11 47 if a public improvement is financed in part by a
11 48 public body and in part by federal funds, the higher
11 49 of the prevailing wage rates shall prevail for the
11 50 public improvement.



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12 1 Sec. 10. NEW SECTION. 91F.9 RECORDS REQUIRED.
12 2 1. While participating in a public improvement,
12 3 the contractor and each subcontractor shall do all of
12 4 the following:
12 5 a. Make and keep, for a period of not less than
12 6 three years, accurate records of all workers employed
12 7 by the contractor or subcontractor on the public
12 8 improvement. The records shall include each worker's
12 9 name, address, telephone number when available, social
12 10 security number, trade classification, the hourly
12 11 wages paid in each pay period, the number of hours
12 12 worked each day, and the starting and ending times of
12 13 work each day.
12 14 b. Submit weekly a certified payroll to the public
12 15 body in charge of the public improvement. The
12 16 certified payroll shall consist of a complete copy of
12 17 the records identified in paragraph "a". The
12 18 certified payroll shall be accompanied by a statement
12 19 signed by the contractor or subcontractor which avers
12 20 that the records are true and accurate and the hourly
12 21 wages paid to each worker are not less than the
12 22 prevailing wage rate required by this chapter.
12 23 2. The public body in charge of the public
12 24 improvement shall keep the records submitted in
12 25 accordance with subsection 1, paragraph "b", for a
12 26 period of not less than three years. The records
12 27 shall be considered public records and be made
12 28 available in accordance with chapter 22.
12 29 3. The contractor and each subcontractor shall
12 30 make available for inspection the records identified
12 31 in subsection 1, paragraph "a", to the public body in
12 32 charge of the public improvement, its officers and
12 33 agents, and to the division.
12 34 4. For the purpose of verifying the accuracy of
12 35 the records submitted pursuant to this section, the
12 36 contractor and each subcontractor shall make its
12 37 workers available at the site of the public
12 38 improvement for interview by the public body in charge
12 39 of the public improvement, its officers and agents,
12 40 and the division.
12 41 5. Contractors and subcontractors performing work
12 42 on public improvements subject to this chapter shall
12 43 post the prevailing wage rates for each craft,
12 44 classification, or type of workers involved in the
12 45 public improvement in a prominent and easily
12 46 accessible place at the site of the public improvement
12 47 or at the place or places used by the contractor or
12 48 subcontractor to pay workers their wages.
12 49 Sec. 11. NEW SECTION. 91F.10 POWERS OF
12 50 COMMISSIONER.



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House Amendment 8380 continued

13 1 The commissioner shall do all of the following:
13 2 1. Inquire diligently about any complaint of a
13 3 violation of this chapter, institute actions for
13 4 penalties prescribed, and enforce generally the
13 5 provisions of this chapter.
13 6 2. Sue for injunctive relief against the awarding
13 7 of a contract, the undertaking of a public
13 8 improvement, or the continuation of a public
13 9 improvement when the prevailing wage rate requirements
13 10 of this chapter have not been met.
13 11 3. Investigate and ascertain the wages of workers
13 12 engaged in any public improvement in this state.
13 13 4. a. Enter and inspect the place of business or
13 14 employment of a contractor, subcontractor, or workers
13 15 employed on a public improvement in this state, for
13 16 the purpose of examining and inspecting books,
13 17 registers, payrolls, and other records of a contractor
13 18 or subcontractor that in any way relate to or have a
13 19 bearing upon the question of wages, hours, and other
13 20 conditions of employment of workers covered under this
13 21 chapter.
13 22 b. Copy the books, registers, payrolls, and other
13 23 records as the commissioner or the commissioner's
13 24 authorized representative deems necessary or
13 25 appropriate.
13 26 c. Question the workers for the purpose of
13 27 ascertaining whether the provisions of this chapter
13 28 have been and are being complied with.
13 29 d. Administer oaths, take or cause to be taken
13 30 depositions of witnesses, and require by subpoena the
13 31 attendance and testimony of witnesses and the
13 32 production of all books, registers, payrolls, and
13 33 other evidence relative to the matter under
13 34 investigation or hearing.
13 35 5. Require from a contractor or subcontractor full
13 36 and correct statements in writing, including sworn
13 37 statements, with respect to wages, hours, names,
13 38 addresses, and other information pertaining to its
13 39 workers and their employment, as the commissioner or
13 40 the commissioner's authorized representative may deem
13 41 necessary or appropriate.
13 42 6. Require a contractor or subcontractor to file,
13 43 within ten days of receipt of a request, any records
13 44 enumerated in subsections 3 and 4, sworn as to their
13 45 validity and accuracy as required by subsection 5. If
13 46 the contractor or subcontractor fails to provide the
13 47 requested records within ten days, the commissioner
13 48 may direct, within fifteen days after the end of the
13 49 ten-day period, that the fiscal or financial officer
13 50 charged with the custody and disbursements of the



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14 1 funds of the public body, which contracted for
14 2 construction of the public improvement or undertook
14 3 the public improvement, to immediately withhold from
14 4 payment to the contractor or subcontractor up to
14 5 twenty-five percent of the amount to be paid to the
14 6 contractor or subcontractor under the terms of the
14 7 contract or written instrument under which the public
14 8 improvement is being performed. The amount withheld
14 9 shall be immediately released upon receipt by the
14 10 public body of a notice from the commissioner
14 11 indicating that the request for records as required by
14 12 this section has been satisfied.

14 13 7. If a contractor or subcontractor fails to
14 14 provide requested records in accordance with
14 15 subsection 6 within ten days, direct, within fifteen
14 16 days after the end of the ten-day period, the fiscal
14 17 or financial officer charged with the custody and
14 18 disbursements of the funds of the public body, which
14 19 contracted for construction of the public improvement
14 20 or undertook the public improvement, to pay directly
14 21 to workers employed by the contractor or subcontractor
14 22 from the amount withheld from the contractor or
14 23 subcontractor pursuant to subsection 6 any prevailing
14 24 wage rates found to be due and payable to the workers.

14 25 8. Contract with a person registered as a public
14 26 accountant under chapter 542 to conduct an audit of a
14 27 contractor, subcontractor, or public body.

14 28 Sec. 12. NEW SECTION. 91F.11 NOTICE OF
14 29 VIOLATIONS.

14 30 1. For purposes of this section:

14 31 a. "Accurate records" means the payroll records
14 32 required to be filed with the public body in charge of
14 33 the public improvement as required by section 91F.9.
14 34 "Accurate records" also means the hourly rate of
14 35 contribution and costs paid for fringe benefits and
14 36 whether the contributions and costs of the fringe
14 37 benefits were paid into a fund or paid directly to the
14 38 worker.

14 39 b. "Decision" means a determination by the
14 40 division that a single violation of this chapter has
14 41 occurred, warranting the commissioner to issue a
14 42 notice of violation to a contractor or subcontractor.

14 43 c. "Notice of second violation" is a formal
14 44 written notice issued by the division advising a
14 45 contractor or subcontractor that a second or
14 46 subsequent violation has occurred within three years
14 47 from the date of the notice of a first violation.

14 48 d. "Notice of violation" means a formal written
14 49 notice issued by the division to a contractor or
14 50 subcontractor that the division has made a decision



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House Amendment 8380 continued

15 1 that the contractor or subcontractor has violated this
15 2 chapter.
15 3 e. "Violation" means a written decision by the
15 4 division that a contractor or subcontractor has done
15 5 one of the following:
15 6 (1) Failed or refused to pay the prevailing wage
15 7 rate to one or more workers as required by this
15 8 chapter.
15 9 (2) Failed to keep accurate records as required by
15 10 this chapter.
15 11 (3) Failed to produce for the division accurate
15 12 records or produced records not in compliance with
15 13 this chapter.
15 14 (4) Refused to submit records or testimony to the
15 15 division in response to a subpoena issued in
15 16 accordance with this chapter.
15 17 (5) Refused to comply with the certified payroll
15 18 provision of section 91F.9.
15 19 (6) Refused the division access, at any reasonable
15 20 hour at a location within the state, to inspect the
15 21 contractor's or subcontractor's records as required by
15 22 this chapter.
15 23 (7) Failed to insert into each subcontract or
15 24 lower-tiered subcontract and into the public
15 25 improvement specifications for each subcontract or
15 26 lower-tiered subcontract or provide a written
15 27 instrument if no contract exists, a written
15 28 stipulation that not less than the prevailing wage
15 29 rate be paid as required by this chapter, and a
15 30 statement that if it is found that a subcontractor's
15 31 workers engaged in the public improvement have been
15 32 paid at a rate of wages less than the prevailing wage
15 33 rate required to be paid by the contract, the public
15 34 body shall terminate the subcontractor's right to
15 35 proceed with the work.
15 36 (8) Failed to obtain a bond in the proper amount
15 37 that guarantees the payment of the prevailing wage
15 38 rates required in the contract.
15 39 (9) Failed to post the prevailing wage rates as
15 40 required by this chapter.
15 41 2. After receipt of a complaint or on the
15 42 division's initiative, the commissioner shall review
15 43 the investigative file to determine whether a
15 44 violation has occurred for which the contractor or
15 45 subcontractor must be given notice. All information
15 46 and observations made during an audit or investigation
15 47 shall be considered and shall constitute the basis for
15 48 the division's decision that this chapter has been
15 49 violated and that a notice of violation is required to
15 50 be issued. The notice of violation shall identify the



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16 1 specific violation and the amount of moneys estimated
16 2 due the division and in controversy based on reasons
16 3 contained in the investigative file.
16 4 3. In making a decision that a contractor or
16 5 subcontractor has failed to allow the commissioner
16 6 access to accurate records, the commissioner shall
16 7 rely on the information contained in the investigative
16 8 file, the certified payroll records filed with the
16 9 public body in charge of the public improvement or any
16 10 other information, and shall assess a separate
16 11 violation for each day worked by each worker on the
16 12 public improvement. Each decision of a separate
16 13 violation shall be listed in the notice of violation.
16 14 4. In determining that this chapter has been
16 15 violated and that the issuance of a notice of
16 16 violation is required, the commissioner shall base the
16 17 decision on one or any combination of the following
16 18 reasons:
16 19 a. The severity of the violations, which includes
16 20 the following:
16 21 (1) The amount of wages that are determined to be
16 22 underpaid pursuant to this chapter.
16 23 (2) The activity or conduct complained of that
16 24 violates the requirements of this chapter and was not
16 25 merely a technical, nonsubstantive error. Examples of
16 26 a technical error include but are not limited to a
16 27 mathematical error, bookkeeping error, transposition
16 28 of numbers, or computer or programming error.
16 29 b. The nature and duration of the present
16 30 violation and the prior history of the contractor or
16 31 subcontractor related to this history. The prior
16 32 history considered shall not exceed seven years before
16 33 the date of the notice of violation.
16 34 c. Whether the contractor or subcontractor filed
16 35 certified payroll records with the public body in
16 36 charge of the public improvement; whether the
16 37 contractor or subcontractor has kept payroll records
16 38 and accurate records for three years; and whether the
16 39 contractor or subcontractor produced certified payroll
16 40 records in accordance with section 91F.9.
16 41 d. Whether the contractor or subcontractor has
16 42 violated any other provision of this chapter.
16 43 5. The notices of the first, second, and
16 44 subsequent violations shall be sent by restricted
16 45 certified mail, addressed to the last known address of
16 46 the contractor or subcontractor involved. The notices
16 47 shall contain a reference to the specific provisions
16 48 of this chapter alleged to have been violated,
16 49 identify the particular public improvement involved,
16 50 identify the conduct complained of, and identify



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House Amendment 8380 continued

17 1 whether the notice is a first, second, or subsequent
17 2 notice, and include a contractor's or subcontractor's
17 3 statement of liabilities.
17 4 Sec. 13. NEW SECTION. 91F.12 VIOLATIONS ==
17 5 REMEDIES.
17 6 1. If the commissioner determines that a public
17 7 body has divided a public improvement into more than
17 8 one contract for the purpose of avoiding compliance
17 9 with this chapter, the commissioner shall issue an
17 10 order compelling compliance. In making a
17 11 determination whether a public body has divided a
17 12 public improvement into more than one contract for the
17 13 purpose of avoiding compliance with this chapter, the
17 14 commissioner shall consider all of the following:
17 15 a. The physical separation of the public
17 16 improvement structures.
17 17 b. The timing of the work on the public
17 18 improvement phases or structures.
17 19 c. The continuity of public improvement
17 20 contractors and subcontractors working on public
17 21 improvement parts or phases.
17 22 d. The manner in which the public body and the
17 23 contractor and subcontractors administer and implement
17 24 work on the public improvement.
17 25 2. A worker employed by the contractor or
17 26 subcontractor who is paid less than the prevailing
17 27 wage rate in accordance with this chapter shall have a
17 28 private right of action for the difference between the
17 29 amount so paid and the prevailing wage rate in
17 30 accordance with this chapter, together with costs and
17 31 reasonable attorney fees as shall be allowed by the
17 32 court.
17 33 3. The contractor or subcontractor shall
17 34 additionally be liable to the department for fifty
17 35 percent of the underpayments and shall be additionally
17 36 liable to the worker for punitive damages in an amount
17 37 equal to five percent of the liability to the division
17 38 for underpayments for each month following the date of
17 39 payment during which underpayments remain unpaid,
17 40 together with costs and reasonable attorney fees as
17 41 shall be allowed by the court.
17 42 4. If a second or subsequent action to recover
17 43 underpayments is brought against a contractor or
17 44 subcontractor within a three-year period and the
17 45 contractor or subcontractor is found liable for
17 46 underpayments to a worker, the contractor or
17 47 subcontractor shall be liable to the division for
17 48 seventy-five percent of the underpayments payable as a
17 49 result of the second or subsequent action,
17 50 additionally liable for ten percent of the amount of



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18 1 the liability to the division for underpayments for
18 2 each month following the date of payment during which
18 3 the underpayments remain unpaid, and liable for triple
18 4 the difference between the amount so paid to the
18 5 worker and the prevailing wage rate required by this
18 6 chapter, together with costs and reasonable attorney
18 7 fees as shall be allowed by the court. The three-year
18 8 period begins to run from the date the contractor or
18 9 subcontractor is determined liable for the first
18 10 violation.

18 11 5. The commissioner and any interested party shall
18 12 also have a right of action on behalf of a worker who
18 13 has a right of action under this chapter. An action
18 14 brought to recover the same shall be deemed to be a
18 15 suit for wages, and all judgments entered in the
18 16 action shall have the same force and effect as other
18 17 judgments for wages. At the request of a worker
18 18 employed by a contractor or subcontractor who is paid
18 19 less than the prevailing wage rate required by this
18 20 chapter, the commissioner may take an assignment of
18 21 the wage claim in trust for the assigning worker and
18 22 may bring any legal action necessary to collect the
18 23 claim, and the contractor or subcontractor shall be
18 24 required to pay the expenses of the division incurred
18 25 in collecting the claim.

18 26 6. In circumstances where a worker may not be
18 27 available to receive a payment or judgment, the
18 28 payment due the worker shall revert to the division
18 29 after one year elapses from the time payment was
18 30 attempted to be made or judgment was rendered.

18 31 7. It is a violation of this chapter for a
18 32 contractor or a subcontractor to do any of the
18 33 following:

18 34 a. To request or demand, either before or after
18 35 the worker is engaged, that a worker pay back, return,
18 36 donate, contribute, or give any part or all of the
18 37 worker's wages, salary, or thing of value, to any
18 38 person, upon the statement, representation, or
18 39 understanding that failure to comply with the request
18 40 or demand will prevent the worker from procuring or
18 41 retaining employment.

18 42 b. To directly or indirectly pay, request, or
18 43 authorize any other person to violate this chapter.

18 44 This subsection does not apply to an agent or
18 45 representative of a duly constituted labor
18 46 organization acting in the collection of dues or
18 47 assessments of the organization.

18 48 8. In addition to other penalties provided under
18 49 this chapter, whoever induces a worker working on a
18 50 public improvement subject to this chapter to give up



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19 1 or forego any part of the prevailing wage rates to
19 2 which the worker is entitled under this chapter by
19 3 threat not to employ or by threat of dismissal from
19 4 employment is guilty of a serious misdemeanor. An
19 5 agreement between the worker and the contractor or
19 6 subcontractor to work for less than the prevailing
19 7 wage rate in accordance with this chapter shall not be
19 8 a defense to criminal prosecution.

19 9 9. a. A contract shall not be awarded to a
19 10 contractor or subcontractor who, on two separate
19 11 occasions within a three-year period, has been
19 12 determined to have violated this chapter, or to any
19 13 firm, corporation, partnership, or association in
19 14 which the contractor or subcontractor has any interest
19 15 until five years have elapsed from the date on which a
19 16 final determination is rendered finding the contractor
19 17 or subcontractor in violation of this chapter.

19 18 b. For the purposes of this subsection, "any
19 19 interest" means an interest in the entity bidding or
19 20 performing work on the public improvement, whether as
19 21 an owner, partner, officer, manager, employee, agent,
19 22 consultant, or representative. "Any interest"
19 23 includes but is not limited to all instances where the
19 24 barred contractor or subcontractor receives payments,
19 25 whether cash or any other form of compensation, from
19 26 any entity bidding or performing work on the public
19 27 improvement, or enters into a contract with the entity
19 28 bidding or performing work on the public improvement
19 29 for services performed or to be performed under
19 30 contract that have been or will be assigned or sublet,
19 31 or for vehicles, tools, equipment, or supplies that
19 32 have been or will be sold, rented, or leased during
19 33 the period from the initiation of the barring
19 34 proceedings until the end of the term of the barring
19 35 period. "Any interest" does not include shares held
19 36 in a publicly traded corporation if the shares were
19 37 not received as compensation after the barring of an
19 38 entity bidding or performing work on a public
19 39 improvement.

19 40 10. If the division determines that a contractor
19 41 or subcontractor has violated this chapter on two
19 42 separate occasions within a three-year period, the
19 43 division shall list on the department of workforce
19 44 development's website and keep on record the name of
19 45 the contractor or subcontractor and give notice by
19 46 restricted certified mail of the list to any public
19 47 body requesting the list.

19 48 11. Upon a determination that a contractor or
19 49 subcontractor has violated this chapter on two
19 50 separate occasions within a three-year period, the



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House Amendment 8380 continued

20 1 division shall notify the violating contractor or
20 2 subcontractor by restricted certified mail. The
20 3 contractor or subcontractor has ten working days to
20 4 request of the division a hearing before an
20 5 administrative law judge on the alleged violation.
20 6 Failure to respond within ten working days shall
20 7 result in automatic and immediate barring of the
20 8 violator from work and placement and publication of
20 9 the violator's name on the department of workforce
20 10 development's website. If the contractor or
20 11 subcontractor requests a hearing within ten working
20 12 days by restricted certified mail, the department of
20 13 inspections and appeals shall set a hearing before an
20 14 administrative law judge on the alleged violation.
20 15 The hearing shall take place no later than forty-five
20 16 calendar days after the receipt by the division of the
20 17 request for a hearing. An action by an administrative
20 18 law judge constitutes final agency action and is
20 19 subject to judicial review under section 17A.19.
20 20 12. The attorney general shall prosecute the cases
20 21 identified in this section upon complaint by the
20 22 commissioner or by any interested person. In any
20 23 proceeding brought pursuant to this section, the
20 24 commissioner shall be represented by the attorney
20 25 general.
20 26 Sec. 14. NEW SECTION. 91F.13 APPRENTICES.
20 27 This chapter shall not prevent the employment of
20 28 apprentices upon public improvements. However, an
20 29 apprentice employed on a public improvement must be
20 30 registered with the United States department of
20 31 labor's bureau of apprenticeship and training under an
20 32 apprenticeship program registered with that bureau,
20 33 paid the proper wages specified in the standards of
20 34 apprenticeship, and engaged only in the trade to which
20 35 the apprentice is registered. If the apprentice is
20 36 employed on a public improvement in a trade to which
20 37 the apprentice is not registered with the United
20 38 States department of labor's bureau of apprenticeship
20 39 and training, the apprentice shall be treated as any
20 40 other worker under this chapter.
20 41 Sec. 15. IMPLEMENTATION OF ACT. Section 25B.2,
20 42 subsection 3, shall not apply to this Act.>
20 43 #2. Title page, line 1, by inserting after the
20 44 word <to> the following: <school infrastructure and>.
20 45 #3. Title page, line 6, by striking the words
20 46 <providing a penalty> and inserting the following:
20 47 <requiring the payment of prevailing wage rates for
20 48 school district improvements, providing penalties,>.
20 49 #4. By renumbering as necessary.
20 50



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House Amendment 8380 continued

21 1
21 2
21 3 T. TAYLOR of Linn
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21 7 D. TAYLOR of Linn
21 8 HF 2663.502 82
21 9 ak/rj/11244



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House Amendment 8381

PAG LIN

1 1 Amend House File 2660 as follows:
1 2 #1. Page 3, by inserting after line 26 the
1 3 following:
1 4 <As a condition of the funds appropriated in this
1 5 lettered paragraph, the department of corrections
1 6 shall replace expired federal funding by expending at
1 7 least \$238,252 for the therapeutic treatment community
1 8 program and maintaining at least 4.75 full-time
1 9 equivalent positions for the program.>
1 10 #2. Page 8, by inserting after line 30 the
1 11 following:
1 12 <As a condition of the funds appropriated in this
1 13 lettered paragraph, the department of corrections
1 14 shall replace expired federal funding by expending at
1 15 least \$140,000 for the dual diagnosis program and
1 16 maintaining 1.25 full-time equivalent positions for
1 17 the program.>
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1 21 ZIRKELBACH of Jones
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1 24
1 25 LUKAN of Dubuque
1 26 HF 2660.204 82
1 27 jm/nh/11436
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House Amendment 8382

PAG LIN

1 1 Amend the Senate amendment, H=8361, to House File
1 2 2197, as passed by the House, as follows:
1 3 #1. Page 1, line 24, by striking the word
1 4 <encouraging> and inserting the following:
1 5 <directing>.
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1 8
1 9 KELLEY of Black Hawk
1 10 HF 2197.701 82
1 11 ak/nh/21059
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House Amendment 8383

PAG LIN

1 1 Amend the amendment, H=8368, to Senate File 2325,
 1 2 as amended, passed, and reprinted by the Senate, as
 1 3 follows:
 1 4 #1. Page 1, by inserting after line 4 the
 1 5 following:
 1 6 <#____. Page 4, by inserting after line 14 the
 1 7 following:
 1 8 <Sec. _____. NEW SECTION. 421.71 STATE AIDE ==
 1 9 EMPLOYER ELIGIBILITY.
 1 10 1. An employer who chooses not to use the federal
 1 11 employment eligibility program as authorized by the
 1 12 federal Illegal Immigration Reform and Immigrant Act
 1 13 of 1996, Pub. L. No. 104=208, shall not be eligible
 1 14 for any developmental assistance.
 1 15 2. For the purposes of this section,
 1 16 "developmental assistance" means any form of public
 1 17 assistance, including tax expenditures, made for the
 1 18 purpose of stimulating the economic development of a
 1 19 corporation, industry, geographic jurisdiction, or any
 1 20 other sector of the state's economy, including but not
 1 21 limited to public assistance involving industrial
 1 22 development bonds, training grants, loans, loan
 1 23 guarantees, enterprise zones, empowerment zones, tax
 1 24 increment financing, fee waivers, land price
 1 25 subsidies, infrastructure constructed or improved for
 1 26 the benefit of a single business or defined group of
 1 27 businesses at the time it is built or improved,
 1 28 matching funds, tax abatements, tax credits and tax
 1 29 discounts of every kind, including corporate,
 1 30 franchise, personal income, sales and use, raw
 1 31 materials, real property, job creation, individual
 1 32 investment, excise, utility, inventory, accelerated
 1 33 depreciation, and research and development tax credits
 1 34 and discounts.>
 1 35 #____. Title page, line 3, by inserting after the
 1 36 word <requirements,> the following: <and denying
 1 37 developmental assistance to employers who choose not
 1 38 to use the federal employment eligibility program,>.>
 1 39 #2. By renumbering as necessary.
 1 40
 1 41
 1 42
 1 43 DRAKE of Pottawattamie
 1 44 SF 2325.205 82
 1 45 ak/rj/11245
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House Amendment 8384

PAG LIN

1 1 Amend House File 2526, as passed by the House, as
1 2 follows:
1 3 #1. Page 1, line 3, by striking the word
1 4 <prohibited> and inserting the following:
1 5 <restricted>.
1 6 #2. Page 2, line 32, by striking the word <not>.
1 7 #3. By striking page 2, line 35, through page 3,
1 8 line 4, and inserting the following: <accordance with
1 9 section 297.22. However, the electors shall be
1 10 limited to twelve calendar months after an action by
1 11 the board to exercise such power for a purpose
1 12 directly contrary to the board's action.>
1 13 HF 2526.S
1 14 ak/nh/cc/26
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House Amendment 8385

PAG LIN

1 1 Amend House File 2310, as passed by the House, as
1 2 follows:
1 3 #1. Page 1, line 13, by inserting after the word
1 4 <care.> the following: <The study shall also identify
1 5 potential changes in Iowa law that could encourage a
1 6 child's parent, guardian, custodian, or other person
1 7 responsible for the child's care to secure voluntary
1 8 treatment for substance misuse, abuse, or dependency.>
1 9 HF 2310.S
1 10 jp/nh/cc/26
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House Amendment 8386

PAG LIN

1 1 Amend House File 2555, as passed by the House, as
1 2 follows:
1 3 #1. By striking page 3, line 33, through page 4,
1 4 line 26, and inserting the following:
1 5 <NEW SUBSECTION. 5A. a. The commissioner shall
1 6 establish a bureau, to be known as the "consumer
1 7 advocate bureau", which shall be responsible for
1 8 ensuring fair treatment of consumers by persons in the
1 9 business of insurance and for preventing unfair or
1 10 deceptive trade practices in the insurance
1 11 marketplace.
1 12 b. The commissioner, with the advice of the
1 13 governor, shall appoint a consumer advocate who shall
1 14 be knowledgeable in the area of insurance and
1 15 particularly in the area of consumer protection.
1 16 c. The consumer advocate bureau shall receive and
1 17 may investigate consumer complaints and inquiries from
1 18 the public, and shall conduct investigations to
1 19 determine whether any person has violated any
1 20 provision of the insurance code, including chapters
1 21 507B and 522B, and any provisions related to the
1 22 establishment of insurance rates.
1 23 d. When necessary or appropriate to protect the
1 24 public interest or consumers, the consumer advocate
1 25 may request that the commissioner conduct
1 26 administrative hearings as provided in section 505.29.
1 27 e. The consumer advocate bureau shall perform
1 28 other functions as may be assigned to it by the
1 29 commissioner related to consumer advocacy.
1 30 f. The consumer advocate bureau shall work in
1 31 conjunction with other areas of the insurance division
1 32 on matters of mutual interest. The insurance division
1 33 shall cooperate with the consumer advocate in
1 34 fulfilling the duties of the consumer advocate bureau.
1 35 The consumer advocate may also seek assistance from
1 36 other federal or state agencies or private entities
1 37 for the purpose of assisting consumers.
1 38 g. The commissioner, in cooperation with the
1 39 consumer advocate, shall prepare and deliver a report
1 40 to the general assembly by January 15 of each year
1 41 that contains findings and recommendations regarding
1 42 the activities of the consumer advocate bureau
1 43 including but not limited to all of the following:
1 44 (1) An overview of the functions of the bureau.
1 45 (2) The structure of the bureau including the
1 46 number and type of staff positions.
1 47 (3) Statistics showing the number of complaints
1 48 handled by the bureau, the nature of the complaints
1 49 including the line of business involved and their
1 50 disposition, and the disposition of similar issues in



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2 1 other states.
2 2 (4) Actions commenced by the consumer advocate.
2 3 (5) Studies performed by the consumer advocate.
2 4 (6) Educational and outreach efforts of the
2 5 consumer advocate bureau.
2 6 (7) Recommendations from the commissioner and the
2 7 consumer advocate about additional consumer protection
2 8 functions that would be appropriate and useful for the
2 9 bureau or the insurance division to fulfill based on
2 10 observations and analysis of trends in complaints and
2 11 information derived from national or other sources.
2 12 (8) Recommendations from the commissioner and the
2 13 consumer advocate about any needs for additional
2 14 funding, staffing, legislation, or administrative
2 15 rules.>
2 16 #2. Page 18, by striking lines 18 through 25.
2 17 #3. Title page, by striking line 10 and inserting
2 18 the following: <the Iowa>.
2 19 #4. By renumbering as necessary.
2 20 HF 2555.S
2 21 av/nh/cc/26



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PAG LIN

1 1 Amend Senate File 2400, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 8, line 9, by inserting after the word
1 4 <funding> the following: <in excess of \$880,209>.
1 5 #2. Page 8, line 13, by inserting after the word
1 6 <received> the following: <in excess of \$880,209>.
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1 10 COMMITTEE ON APPROPRIATIONS
1 11 OLDSON of Polk, CHAIRPERSON
1 12 SF 2400.502 82
1 13 ec/mg/11437
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PAG LIN

1 1 Amend House File 2283, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 3, line 6, by striking the words <that
1 4 purpose> and inserting the following: <Vietnam
1 5 Conflict veterans' bonuses>.
1 6 HF 2283.S
1 7 ec/nh/cc/26
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House Amendment 8389

PAG LIN

1 1 Amend House File 2266, as passed by the House, as
1 2 follows:
1 3 #1. Page 1, by inserting after line 34 the
1 4 following:
1 5 <Sec. _____. Section 321.279, subsection 1, Code
1 6 2007, is amended to read as follows:
1 7 1. The driver of a motor vehicle commits a serious
1 8 misdemeanor if the driver willfully fails to bring the
1 9 motor vehicle to a stop or otherwise eludes or
1 10 attempts to elude a marked official law enforcement
1 11 vehicle driven by a uniformed peace officer after
1 12 being given a visual and audible signal to stop. The
1 13 signal given by the peace officer shall be by flashing
1 14 red light, or by flashing red and blue lights, and
1 15 siren. For purposes of this section, "peace officer"
1 16 means those officers designated under section 801.4,
1 17 subsection 11, paragraphs "a", "b", "c", "f", "g", and
1 18 "h".>
1 19 #2. Title page, by striking lines 1 and 2 and
1 20 inserting the following: <An Act relating to the
1 21 criminal offenses of eluding or attempting to elude a
1 22 law enforcement vehicle and the possession of an
1 23 incendiary or explosive device or material, and the
1 24 regulation of explosives,>.
1 25 HF 2266.S
1 26 jm/nh/cc/26
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PAG LIN

1 1 Amend the amendment, H=8378, to Senate File 2216,
1 2 as amended, passed, and reprinted by the Senate, as
1 3 follows:
1 4 #1. Page 3, by striking line 5 and inserting the
1 5 following: <mathematics, science, social studies, and
1 6 art; and for grades seven through>.

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1 10 RAECKER of Polk

1 11 SF 2216.314 82

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PAG LIN

1 1 Amend Senate File 2392, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. By striking everything after the enacting
1 4 clause and inserting the following:
1 5 <DIVISION I
1 6 LIFE SETTLEMENT CONTRACTS
1 7 Section 1. NEW SECTION. 508G.1 SHORT TITLE.
1 8 This chapter may be cited as the "Life Settlements
1 9 Act".
1 10 Sec. 2. NEW SECTION. 508G.2 DEFINITIONS.
1 11 As used in this chapter, unless the context
1 12 otherwise requires:
1 13 1. "Advertisement" means any written, electronic,
1 14 or printed communication or any communication by means
1 15 of recorded telephone messages or transmitted on
1 16 radio, television, the internet, or similar
1 17 communications media, including film strips, motion
1 18 pictures, and videos, published, disseminated,
1 19 circulated, or placed before the public, directly or
1 20 indirectly, for the purpose of creating an interest in
1 21 or inducing a person to purchase or sell, assign,
1 22 devise, bequest, or transfer the death benefit or
1 23 ownership of a life insurance policy or an interest in
1 24 a life insurance policy pursuant to a life settlement
1 25 contract.
1 26 2. "Broker" means a person who, on behalf of an
1 27 owner and for a fee, commission or other valuable
1 28 consideration, offers or attempts to negotiate a life
1 29 settlement contract between an owner and a provider.
1 30 A broker represents only the owner and owes a
1 31 fiduciary duty to the owner to act according to the
1 32 owner's instructions, and in the best interest of the
1 33 owner, notwithstanding the manner in which the broker
1 34 is compensated. A broker does not include an
1 35 attorney, certified public accountant, or financial
1 36 planner retained in the type of practice customarily
1 37 performed in the attorney's, accountant's, or
1 38 planner's professional capacity to represent the owner
1 39 whose compensation is not paid directly or indirectly
1 40 by the provider or any other person, except the owner.
1 41 3. "Business of life settlement" means an activity
1 42 involved in but not limited to offering to enter into,
1 43 soliciting, negotiating, procuring, effectuating,
1 44 monitoring, or tracking, of life settlement contracts.
1 45 4. "Chronically ill" means any of the following:
1 46 a. Being unable to perform at least two activities
1 47 of daily living such as eating, toileting,
1 48 transferring, bathing, dressing, or continence.
1 49 b. Requiring substantial supervision to protect
1 50 the individual from threats to health and safety due



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2 1 to severe cognitive impairment.
2 2 c. Having a level of disability similar to that
2 3 described in paragraph "a" as determined by the United
2 4 States secretary of health and human services.
2 5 5. "Commissioner" means the commissioner of
2 6 insurance.
2 7 6. a. "Financing entity" means a person who is an
2 8 underwriter, placement agent, lender, purchaser of
2 9 securities, purchaser of a policy or certificate from
2 10 a provider, credit enhancer, or any entity that has a
2 11 direct ownership in a policy or certificate that is
2 12 the subject of a life settlement contract, if all of
2 13 the following apply:
2 14 (1) The person's principal activity related to the
2 15 transaction is providing funds to effect the life
2 16 settlement contract or purchase of one or more
2 17 policies.
2 18 (2) The person has an agreement in writing with
2 19 one or more providers to finance the acquisition of
2 20 one or more life settlement contracts.
2 21 b. "Financing entity" does not include a
2 22 nonaccredited investor or purchaser.
2 23 7. "Financing transaction" means a transaction in
2 24 which a licensed provider obtains financing from a
2 25 financing entity including but not limited to any
2 26 secured or unsecured financing, any securitization
2 27 transaction, or any securities offering which either
2 28 is registered or exempt from registration under
2 29 federal and state securities law, including chapter
2 30 502.
2 31 8. "Fraudulent life settlement act" includes any
2 32 of the following:
2 33 a. An act or omission committed by a person who,
2 34 knowingly and with intent to defraud, for the purpose
2 35 of depriving another of property or for pecuniary
2 36 gain, commits, or permits its employees or its agents
2 37 to engage in, an act including but not limited to any
2 38 of the following:
2 39 (1) Presenting, causing to be presented, or
2 40 preparing with knowledge and belief that it will be
2 41 presented to or by a provider, premium finance lender,
2 42 broker, insurer, insurance producer, or any other
2 43 person, false material information, or concealing
2 44 material information, as part of, in support of, or
2 45 concerning a fact material to one or more of the
2 46 following:
2 47 (a) An application for the issuance of a life
2 48 settlement contract or insurance policy.
2 49 (b) The underwriting of a life settlement contract
2 50 or insurance policy.



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House Amendment 8391 continued

- 3 1 (c) A claim for payment or benefit pursuant to a
3 2 life settlement contract or life insurance policy.
- 3 3 (d) Premiums paid on a life insurance policy.
- 3 4 (e) Payments and changes in ownership or
3 5 beneficiary made in accordance with the terms of a
3 6 life settlement contract or life insurance policy.
- 3 7 (f) The reinstatement or conversion of a life
3 8 insurance policy.
- 3 9 (g) In the solicitation, offer to enter into, or
3 10 effectuation of a life settlement contract or life
3 11 insurance policy.
- 3 12 (h) The issuance of written evidence of a life
3 13 settlement contract or life insurance policy.
- 3 14 (i) Any application for or the existence of, or
3 15 any payments related to, a loan secured directly or
3 16 indirectly by any interest in a life insurance policy.
- 3 17 (j) Entering into any practice or plan which
3 18 involves a stranger-originated life insurance policy.
- 3 19 (2) Failing to disclose to the insurer where the
3 20 request for such disclosure has been asked for by the
3 21 insurer that the prospective insured has undergone a
3 22 life expectancy evaluation by any person or entity
3 23 other than the insurer or its authorized
3 24 representatives in connection with the issuance of the
3 25 life insurance policy.
- 3 26 (3) Employing any device, scheme, or artifice to
3 27 defraud in the business of life settlements.
- 3 28 (4) In the solicitation, application or issuance
3 29 of a life insurance policy, employing any device,
3 30 scheme or artifice in violation of state insurable
3 31 interest laws.
- 3 32 b. In the furtherance of a fraud, or to prevent
3 33 the detection of a fraud, a person commits or permits
3 34 its employee or its agent to do any of the following:
- 3 35 (1) Remove, conceal, alter, destroy, or sequester
3 36 from the commissioner the assets or records of a
3 37 licensee or other person engaged in the business of
3 38 life settlements.
- 3 39 (2) Misrepresent or conceal the financial
3 40 condition of a licensee, financing entity, insurer, or
3 41 other person.
- 3 42 (3) Transact the business of life settlements in
3 43 violation of laws requiring a license, certificate of
3 44 authority, or other legal authority for the
3 45 transaction of the business of life settlements.
- 3 46 (4) File with the commissioner or the chief
3 47 insurance regulatory official of another jurisdiction
3 48 a document containing false information or otherwise
3 49 concealing information about a material fact from the
3 50 commissioner.



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4 1 (5) Engage in embezzlement, theft,
4 2 misappropriation, or conversion of moneys, funds,
4 3 premiums, credits, or other property of a provider,
4 4 broker insurer, insured, owner, or any other person
4 5 engaged in the business of life settlement contracts
4 6 or insurance policy.
4 7 (6) Knowingly and with intent to defraud, enter
4 8 into, broker, or otherwise deal in a life settlement
4 9 contract, the subject of which is a life insurance
4 10 policy that was obtained by presenting false
4 11 information concerning any fact material to the life
4 12 insurance policy or by concealing, for the purpose of
4 13 misleading another, information concerning any fact
4 14 material to the life insurance policy, where the owner
4 15 or the owner's agent intended to defraud the life
4 16 insurance policy's issuer.
4 17 (7) Attempt to commit, assist, aid, or abet in the
4 18 commission of, or conspiracy to commit an act or
4 19 omission specified in this subsection.
4 20 (8) Misrepresent the state of residence of an
4 21 owner to be a state or jurisdiction that does not have
4 22 a law substantially similar to this chapter for the
4 23 purpose of evading or avoiding the provisions of this
4 24 chapter.
4 25 9. "Insured" means the person covered under the
4 26 life insurance policy being considered for sale in a
4 27 life settlement contract.
4 28 10. "Life expectancy" means the arithmetic mean of
4 29 the number of months the insured under the life
4 30 insurance policy to be settled can be expected to live
4 31 as determined by a life expectancy company considering
4 32 medical records and appropriate experiential data.
4 33 11. "Life insurance policy" means an individual or
4 34 group policy, group certificate, contract, or
4 35 arrangement of life insurance owned by a resident of
4 36 this state, regardless of whether delivered or issued
4 37 for delivery in this state.
4 38 12. "Life insurance producer" or "producer" means
4 39 any person licensed in this state as a resident or
4 40 nonresident insurance producer who has received
4 41 qualification or authority for life insurance coverage
4 42 or a life line of coverage pursuant to title XIII,
4 43 subtitle I of the Code.
4 44 13. a. "Life settlement contract" means a written
4 45 agreement entered into between a provider and an
4 46 owner, establishing the terms under which compensation
4 47 or anything of value will be paid, which compensation
4 48 or thing of value is less than the expected death
4 49 benefit of the life insurance policy or life insurance
4 50 certificate, in return for the owner's assignment,



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5 1 transfer, sale, devise, or bequest of the death
5 2 benefit or any portion of a life insurance policy or
5 3 life insurance certificate for compensation, provided,
5 4 however, that the minimum value for a life settlement
5 5 contract shall be greater than a cash surrender value
5 6 or accelerated death benefit available at the time of
5 7 an application for a life settlement contract.
5 8 b. "Life settlement contract" also includes the
5 9 transfer for compensation or value of ownership or
5 10 beneficial interest in a trust or other entity that
5 11 owns such policy if the trust or other entity was
5 12 formed or availed of for the principal purpose of
5 13 acquiring one or more life insurance contracts, which
5 14 life insurance contract insures the life of a person
5 15 residing in this state.
5 16 c. "Life settlement contract" also includes any of
5 17 the following:
5 18 (1) A written agreement for a loan or other
5 19 lending transaction, secured primarily by an
5 20 individual or group life insurance policy.
5 21 (2) A premium finance loan made for a life
5 22 insurance policy on or before the date of issuance of
5 23 the life insurance policy where any of the following
5 24 applies:
5 25 (a) The loan proceeds are not used solely to pay
5 26 premiums for the life insurance policy and any costs
5 27 or expenses incurred by the lender or the borrower in
5 28 connection with the financing.
5 29 (b) The owner receives on the date of the premium
5 30 finance loan a guarantee of the future life settlement
5 31 value of the life insurance policy.
5 32 (c) The owner agrees on the date of the premium
5 33 finance loan to sell the life insurance policy or any
5 34 portion of its death benefit on any date following the
5 35 issuance of the life insurance policy.
5 36 d. "Life settlement contract" does not include any
5 37 of the following:
5 38 (1) A life insurance policy loan by a life
5 39 insurance company pursuant to the terms of the life
5 40 insurance policy or accelerated death provisions
5 41 contained in the life insurance policy, whether issued
5 42 with the original life insurance policy or as a rider.
5 43 (2) A premium finance loan or any loan made by a
5 44 bank or other licensed financial institution, provided
5 45 that a default on such loan or a transfer of the life
5 46 insurance policy in connection with such default is
5 47 pursuant to an agreement or understanding with any
5 48 other person for the purpose of evading regulation
5 49 under this chapter.
5 50 (3) A collateral assignment of a life insurance



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- 6 1 policy by an owner.
- 6 2 (4) A loan made by a lender, provided such loan is
6 3 not described in paragraph "c", and is not otherwise a
6 4 life settlement contract.
- 6 5 (5) An agreement where all the parties (a) are
6 6 closely related to the insured by blood or law or (b)
6 7 have a lawful substantial economic interest in the
6 8 continued life, health, and bodily safety of the
6 9 person insured, or are trusts established primarily
6 10 for the benefit of such parties.
- 6 11 (6) Any designation, consent, or agreement by an
6 12 insured who is an employee of an employer in
6 13 connection with the purchase by the employer, or trust
6 14 established by the employer, of life insurance on the
6 15 life of the employee.
- 6 16 (7) A bona fide business succession planning
6 17 arrangement that is between any of the following:
- 6 18 (a) One or more shareholders in a corporation or
6 19 between a corporation and one or more of its
6 20 shareholders or one or more trusts established by its
6 21 shareholders.
- 6 22 (b) One or more partners in a partnership or
6 23 between a partnership and one or more of its partners
6 24 or one or more trusts established by its partners.
- 6 25 (c) One or more members in a limited liability
6 26 company or between a limited liability company and one
6 27 or more of its members or one or more trusts
6 28 established by its members.
- 6 29 (8) An agreement entered into by a service
6 30 recipient, or a trust established by the service
6 31 recipient, and a service provider, or a trust
6 32 established by the service provider, who performs
6 33 significant services for the service recipient's trade
6 34 or business.
- 6 35 (9) Any other contract, transaction, or
6 36 arrangement that qualifies as a life settlement
6 37 contract but that the commissioner determines is not
6 38 of the type intended to be regulated by this chapter.
- 6 39 14. "Net death benefit" means the amount of the
6 40 life insurance policy or life insurance certificate to
6 41 be settled less any outstanding debts or liens.
- 6 42 15. "Owner" means the owner of a life insurance
6 43 policy or a life insurance certificate holder under a
6 44 group policy, with or without a terminal illness, who
6 45 enters or seeks to enter into a life settlement
6 46 contract.
- 6 47 a. "Owner" includes but is not limited to an owner
6 48 of a life insurance policy or a life insurance
6 49 certificate holder under a group policy that insures
6 50 the life of an individual with a terminal or chronic



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- 7 1 illness or condition.
- 7 2 b. "Owner" does not include any of the following:
- 7 3 (1) A provider or other licensee under this
- 7 4 chapter.
- 7 5 (2) A qualified institutional buyer as defined in
- 7 6 17 C.F.R. } 230.144 promulgated by the United States
- 7 7 securities and exchange commission under the federal
- 7 8 Securities Act of 1933, as amended, 15 U.S.C. } 77a et
- 7 9 seq.
- 7 10 (3) A financing entity.
- 7 11 (4) A special purpose entity.
- 7 12 (5) A related provider trust.
- 7 13 16. "Premium finance loan" means a loan made
- 7 14 primarily for the purposes of making premium payments
- 7 15 on a life insurance policy, which loan is secured by
- 7 16 an interest in such life insurance policy.
- 7 17 17. a. "Provider" means a person, other than an
- 7 18 owner, who enters into or effectuates a life
- 7 19 settlement contract with an owner.
- 7 20 b. "Provider" does not include any of the
- 7 21 following:
- 7 22 (1) A bank, savings bank, savings and loan
- 7 23 association, or credit union.
- 7 24 (2) A licensed lending institution or creditor or
- 7 25 secured party pursuant to a premium finance loan
- 7 26 agreement which takes an assignment of a life
- 7 27 insurance policy or certificate issued pursuant to a
- 7 28 group life insurance policy as collateral for a loan.
- 7 29 (3) The insurer of a life insurance policy or
- 7 30 rider to the extent of providing accelerated death
- 7 31 benefits, riders, or cash surrender value.
- 7 32 (4) A natural person who enters into or
- 7 33 effectuates not more than one agreement in a calendar
- 7 34 year for the transfer of a life insurance policy or
- 7 35 certificate issued pursuant to a group life insurance
- 7 36 policy, for compensation or anything of value less
- 7 37 than the expected death benefit payable under the
- 7 38 policy.
- 7 39 (5) A purchaser.
- 7 40 (6) An authorized or eligible insurer that
- 7 41 provides stop loss coverage to a provider, purchaser,
- 7 42 financing entity, special purpose entity, or related
- 7 43 provider trust.
- 7 44 (7) A financing entity.
- 7 45 (8) A special purpose entity.
- 7 46 (9) A related provider trust.
- 7 47 (10) A broker.
- 7 48 (11) An accredited investor or qualified
- 7 49 institutional buyer as defined, respectively, in 17
- 7 50 C.F.R. } 230.501(a) or 17 C.F.R. } 230.144A as



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8 1 promulgated by the United States securities and
8 2 exchange commission under the federal Securities Act
8 3 of 1933, as amended, 15 U.S.C. } 77a et seq., who
8 4 purchases a life settlement policy from a provider.
8 5 18. "Purchased policy" means a policy or group
8 6 certificate that has been acquired by a provider
8 7 pursuant to a life settlement contract.
8 8 19. "Purchaser" means a person who pays
8 9 compensation or anything of value as consideration for
8 10 a beneficial interest in a trust which is vested with,
8 11 or for the assignment, transfer or sale of, an
8 12 ownership or other interest in a life insurance policy
8 13 or a certificate issued pursuant to a group life
8 14 insurance policy which has been the subject of a life
8 15 settlement contract.
8 16 20. a. "Related provider trust" means a titling
8 17 trust or other trust established by a licensed
8 18 provider or a financing entity for the sole purpose of
8 19 holding the ownership or beneficial interest in
8 20 purchased policies in connection with a financing
8 21 transaction.
8 22 b. In order to qualify as a related provider
8 23 trust, the trust must have a written agreement with
8 24 the licensed provider under which the licensed
8 25 provider is responsible for ensuring compliance with
8 26 all statutory and regulatory requirements and under
8 27 which the trust agrees to make all records and files
8 28 relating to life settlement transactions available to
8 29 the commissioner as if those records and files were
8 30 maintained directly by the licensed provider.
8 31 21. "Settled policy" means a life insurance policy
8 32 or life insurance certificate that has been acquired
8 33 by a provider pursuant to a life settlement contract.
8 34 22. "Special purpose entity" means a corporation,
8 35 partnership, trust, limited liability company, or
8 36 other legal entity formed solely to provide, either
8 37 directly or indirectly, access to institutional
8 38 capital markets as follows:
8 39 a. For a financing entity or provider.
8 40 b. In connection with a transaction in which the
8 41 securities in the special purpose entity are acquired
8 42 by the owner or by a qualified institutional buyer as
8 43 defined in 17 C.F.R. } 230.144 promulgated by the
8 44 United States securities and exchange commission under
8 45 the federal Securities Act of 1933, as amended, 15
8 46 U.S.C. } 77a et seq.
8 47 c. In connection with a transaction in which the
8 48 securities pay a fixed rate of return commensurate
8 49 with established asset-backed institutional capital
8 50 markets.



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9 1 23. "Stranger-originated life insurance" means a
9 2 practice or plan to initiate a life insurance policy
9 3 for the benefit of a third-party investor who, at the
9 4 time of policy origination, has no insurable interest
9 5 in the insured. Stranger-originated life insurance
9 6 practices include but are not limited to cases in
9 7 which life insurance is purchased with resources or
9 8 guarantees from or through a person, or entity, who at
9 9 the time of inception, there is an arrangement or
9 10 agreement, whether verbal or written, to directly or
9 11 indirectly transfer the ownership of the policy or the
9 12 policy benefits to a third party. Trusts that are
9 13 created to give the appearance of insurable interest
9 14 and are used to initiate stranger-originated life
9 15 insurance arrangements do not include those practices
9 16 as set forth in subsection 13, paragraph "b".

9 17 24. "Terminally ill" means having an illness or
9 18 sickness that can reasonably be expected to result in
9 19 death in twenty-four months or less.

9 20 Sec. 3. NEW SECTION. 508G.3 LICENSING
9 21 REQUIREMENTS.

9 22 1. A person, wherever located, shall not act as a
9 23 provider or broker with an owner or multiple owners
9 24 residing in this state, without first having obtained
9 25 a license from the commissioner. If there is more
9 26 than one owner on a single policy and the owners are
9 27 residents of different states, the life settlement
9 28 contract shall be governed by the law of the state in
9 29 which the owner having the largest percentage
9 30 ownership resides or, if the owners hold equal
9 31 ownership, the state of residence of one owner agreed
9 32 upon in writing by all owners.

9 33 2. An application for a provider or broker license
9 34 shall be made to the commissioner by the applicant on
9 35 a form prescribed by the commissioner, and the
9 36 application shall be accompanied by a fee in an amount
9 37 established by the commissioner, provided, however,
9 38 that a license or renewal fee for a provider license
9 39 shall be reasonable and that a license or renewal fee
9 40 for a broker license shall not exceed the fee
9 41 established for an insurance producer.

9 42 3. A life insurance producer who has been duly
9 43 licensed as a resident insurance producer with a life
9 44 line of authority in this state or in the life
9 45 insurance producer's home state for at least one year
9 46 and is licensed as a nonresident producer in this
9 47 state shall be deemed to meet the licensing
9 48 requirements of this section and shall be permitted to
9 49 operate as a broker.

9 50 4. Not later than thirty days from the first day



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10 1 of operating as a broker, the life insurance producer
10 2 shall notify the commissioner that the life insurance
10 3 producer is acting as a broker on a form prescribed by
10 4 the commissioner, and shall pay an applicable fee
10 5 established by rules adopted by the commissioner.
10 6 Notification shall include an acknowledgment by the
10 7 life insurance producer that the life insurance
10 8 producer will operate as a broker in accordance with
10 9 this chapter.

10 10 5. The insurer that issued the life insurance
10 11 policy that is the subject of a life settlement
10 12 contract shall not be responsible for any act or
10 13 omission of a broker, provider, or purchaser arising
10 14 out of or in connection with the life settlement
10 15 transaction, unless the insurer receives compensation
10 16 for the placement of a life settlement contract from
10 17 the broker, provider, or purchaser in connection with
10 18 the life settlement contract.

10 19 6. A person licensed as an attorney, certified
10 20 public accountant, or financial planner accredited by
10 21 a nationally recognized accreditation agency, who is
10 22 retained to represent the owner, whose compensation is
10 23 not paid directly or indirectly by the provider or
10 24 purchaser, may negotiate life settlement contracts on
10 25 behalf of the owner without having to obtain a license
10 26 as a broker.

10 27 7. The term of a provider license shall be equal
10 28 to that of a domestic stock life insurance company and
10 29 the term of a broker license shall be equal to that of
10 30 an insurance producer license. A license requiring
10 31 periodic renewal may be renewed on its anniversary
10 32 date upon payment of the periodic renewal fee as
10 33 specified in subsection 2. A failure to pay a fee on
10 34 or before the renewal date shall result in revocation
10 35 of the license.

10 36 8. The applicant shall provide such information as
10 37 the commissioner may require on forms prepared by the
10 38 commissioner. The commissioner may, at any time,
10 39 require such applicant to fully disclose the identity
10 40 of its stockholders except for a stockholder owning
10 41 fewer than ten percent of the shares of an applicant
10 42 whose shares are publicly traded; partners; officers;
10 43 and employees. The commissioner may, in the exercise
10 44 of the commissioner's sole discretion, refuse to issue
10 45 such a license in the name of any person if not
10 46 satisfied that any officer, employee, stockholder, or
10 47 partner of the applicant who may materially influence
10 48 the applicant's conduct meets the standards of this
10 49 chapter.

10 50 9. A license issued to a partnership, corporation,



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11 1 limited liability company, or other entity authorizes
11 2 a person who is a member, officer, or designated
11 3 employee to act as a licensee under the license, if
11 4 the person is named in the application or a supplement
11 5 to the application.
11 6 10. Upon the filing of an application and the
11 7 payment of the license fee, the commissioner shall
11 8 make an investigation of each applicant and may issue
11 9 a license if the commissioner finds that all of the
11 10 following apply:
11 11 a. If the applicant is a provider, the applicant
11 12 has provided a detailed plan of operation.
11 13 b. The applicant is competent and trustworthy and
11 14 intends to transact its business in good faith.
11 15 c. The applicant has a good business reputation
11 16 and has had experience, training, or education so as
11 17 to be qualified in the business for which the license
11 18 is applied.
11 19 d. If the applicant is a legal entity, is formed
11 20 or organized pursuant to the laws of this state or is
11 21 a foreign legal entity authorized to transact business
11 22 in this state, or provides a certificate of good
11 23 standing from the state of its domicile.
11 24 e. The applicant has provided to the commissioner
11 25 an antifraud plan that meets the requirements of
11 26 section 508G.14 and includes all of the following:
11 27 (1) A description of the procedures for detecting
11 28 and investigating a possible fraudulent act and
11 29 procedure for resolving material inconsistencies
11 30 between a medical record and insurance applications.
11 31 (2) A description of the procedures for reporting
11 32 a fraudulent insurance act to the commissioner.
11 33 (3) A description of the plan for antifraud
11 34 education and training of its underwriters and other
11 35 personnel.
11 36 (4) A written description or chart outlining the
11 37 arrangement of the antifraud personnel who are
11 38 responsible for the investigation and reporting of a
11 39 possible fraudulent insurance act and investigating
11 40 any unresolved material inconsistency between a
11 41 medical record and the insurance application.
11 42 11. The commissioner shall not issue a license to
11 43 a nonresident applicant, unless a written designation
11 44 of an agent for service of process is filed and
11 45 maintained with the commissioner or unless the
11 46 applicant has filed with the commissioner the
11 47 applicant's written irrevocable consent that any
11 48 action against the applicant may be commenced against
11 49 the applicant by service of process on the
11 50 commissioner.



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12 1 12. A licensee shall file with the commissioner on
12 2 or before the first day of March of each year an
12 3 annual statement containing such information as the
12 4 commissioner by rule may prescribe.

12 5 13. A provider shall not use any person to perform
12 6 the functions of a broker unless the person holds a
12 7 license as a broker as provided in this section.

12 8 14. A broker shall not use a person to perform the
12 9 functions of a provider unless such person holds a
12 10 license as a provider as provided in this section.

12 11 15. A provider or broker shall provide to the
12 12 commissioner new or revised information about an
12 13 officer, ten percent or more stockholders, a partner,
12 14 director, members, or a designated employee within
12 15 thirty days of a change.

12 16 16. An individual licensed as a broker shall
12 17 complete on a biennial basis fifteen hours of training
12 18 related to a life settlement or a life settlement
12 19 transaction, as required by the commissioner.
12 20 However, a life insurance producer who is operating as
12 21 a broker pursuant to this section shall not be subject
12 22 to the requirements of this subsection. A person
12 23 failing to meet the requirements of this subsection
12 24 shall be subject to the penalties imposed by the
12 25 commissioner.

12 26 Sec. 4. NEW SECTION. 508G.4 LICENSE SUSPENSION,
12 27 REVOCATION, OR REFUSAL TO RENEW.

12 28 1. The commissioner may suspend, revoke, or refuse
12 29 to renew the license of a licensee if the commissioner
12 30 finds any of the following:

12 31 a. There was any material misrepresentation in the
12 32 application for the license.

12 33 b. The licensee or any officer, partner, member,
12 34 or director has been guilty of a fraudulent or
12 35 dishonest practice, is subject to a final agency
12 36 action under chapter 17A, or is otherwise shown to be
12 37 untrustworthy or incompetent to act as a licensee.

12 38 c. The provider demonstrates a pattern of
12 39 unreasonably withholding payments to policy owners.

12 40 d. The licensee no longer meets the requirements
12 41 for initial licensure.

12 42 e. The licensee or any officer, partner, member,
12 43 or director has been convicted of a felony, or of any
12 44 misdemeanor of which criminal fraud or moral turpitude
12 45 is an element; or the licensee has pleaded guilty or
12 46 nolo contendere with respect to any felony or any
12 47 misdemeanor of which criminal fraud or moral turpitude
12 48 is an element, regardless of whether a judgment of
12 49 conviction has been entered by the court.

12 50 f. The provider has entered into a life settlement



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13 1 contract that has not been approved pursuant to this
13 2 chapter.
13 3 g. The provider has failed to honor contractual
13 4 obligations set out in a life settlement contract.
13 5 h. The provider has assigned, transferred, or
13 6 pledged a settled policy to a person other than a
13 7 provider licensed in this state; a purchaser; an
13 8 accredited investor or qualified institutional buyer
13 9 as defined, respectively, in 17 C.F.R. } 230.501(a) or
13 10 17 C.F.R. } 230.144A as promulgated by the United
13 11 States securities and exchange commission under the
13 12 federal Securities Act of 1933, as amended, 15 U.S.C.
13 13 } 77a et seq.; a financing entity; a special purpose
13 14 entity; or a related provider trust.
13 15 i. The licensee or any officer, partner, member,
13 16 or key management personnel has violated any of the
13 17 provisions of this chapter.
13 18 2. Before the commissioner denies a license
13 19 application or suspends, revokes, or refuses to renew
13 20 the license of any licensee under this chapter, the
13 21 commissioner shall conduct a contested case proceeding
13 22 in accordance with chapter 17A.
13 23 Sec. 5. NEW SECTION. 508G.5 CONTRACT
13 24 REQUIREMENTS.
13 25 1. A person shall not use any form of life
13 26 settlement contract in this state unless it has been
13 27 filed with and approved, if required, by the
13 28 commissioner in a manner that conforms with the filing
13 29 procedures and any time restrictions or deeming
13 30 provisions, if any, for life insurance forms,
13 31 policies, and contracts.
13 32 2. An insurer shall not, as a condition of
13 33 responding to a request for verification of coverage
13 34 or in connection with the transfer of a life insurance
13 35 policy pursuant to a life settlement contract, require
13 36 that the owner, insured provider, or broker sign any
13 37 form, disclosure, consent, waiver, or acknowledgment
13 38 that has not been expressly approved by the
13 39 commissioner for use in connection with life
13 40 settlement contracts in this state.
13 41 3. A person shall not use a life settlement
13 42 contract form or provide to an owner a disclosure
13 43 statement form in this state unless first filed with
13 44 and approved by the commissioner. The commissioner
13 45 shall disapprove a life settlement contract form or
13 46 disclosure statement form if, in the commissioner's
13 47 opinion, the contract or provisions contained in such
13 48 form fail to meet the requirements of sections 508G.8,
13 49 508G.9, or 508G.11, or are unreasonable, contrary to
13 50 the interests of the public, or otherwise misleading



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14 1 or unfair to the owner. At the commissioner's
14 2 discretion, the commissioner may require the
14 3 submission of advertising material.
14 4 Sec. 6. NEW SECTION. 508G.6 REPORTING
14 5 REQUIREMENTS AND PRIVACY.
14 6 1. For any life insurance policy settled within
14 7 five years of policy issuance, each provider shall
14 8 file with the commissioner on or before March 1 of
14 9 each year an annual statement containing such
14 10 information as the commissioner may prescribe by rule.
14 11 In addition to any other requirements, the annual
14 12 statement shall specify the total number, aggregate
14 13 face amount, and life settlement proceeds of life
14 14 insurance policies settled during the immediately
14 15 preceding calendar year, together with a breakdown of
14 16 the information by policy issue year for each insurer.
14 17 The annual statement shall also include the names of
14 18 the insurance companies whose policies have been
14 19 settled and the brokers that have settled the
14 20 policies.
14 21 a. Such information shall be limited to only those
14 22 transactions where the insured is a resident of this
14 23 state and shall not include individual transaction
14 24 data regarding the business of life settlements or
14 25 information that there is a reasonable basis to
14 26 believe could be used to identify the owner or the
14 27 insured.
14 28 b. A provider that willfully fails to file an
14 29 annual statement as required in this section, or
14 30 willfully fails to reply within thirty days to a
14 31 written inquiry by the commissioner in connection to
14 32 the filing of the annual statement, shall, in addition
14 33 to other penalties provided by this chapter, be
14 34 subject to a civil penalty of up to two hundred fifty
14 35 dollars per day of delay, not to exceed twenty-five
14 36 thousand dollars in the aggregate, for each such
14 37 failure.
14 38 2. A provider, broker, insurer, insurance
14 39 producer, information bureau, rating agency, or
14 40 company, or any other person with actual knowledge of
14 41 an insured's identity, shall not disclose the identity
14 42 of an insured or information that there is a
14 43 reasonable basis to believe could be used to identify
14 44 the insured or the insured's financial or medical
14 45 information to any other person unless the disclosure
14 46 is any of the following:
14 47 a. Necessary to effect a life settlement contract
14 48 between the owner and a provider and the owner and
14 49 insured have provided prior written consent to the
14 50 disclosure.



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15 1 b. Necessary to effectuate the sale of life
15 2 settlement contracts, or interest in a life insurance
15 3 contract as an investment, provided the sale is
15 4 conducted in accordance with applicable federal
15 5 securities law, including chapter 502, and provided
15 6 further that the owner and the insured have both
15 7 provided prior written consent to the disclosure.
15 8 c. Is provided in response to an investigation or
15 9 examination by the commissioner or any other
15 10 governmental officer or agency or pursuant to the
15 11 requirements of section 508G.13.
15 12 d. Is a term or condition to the transfer of a
15 13 policy by one provider to another provider, in which
15 14 case the receiving provider shall be required to
15 15 otherwise comply with the confidentiality requirements
15 16 of this subsection.
15 17 e. (1) Is necessary to allow the provider or
15 18 broker or its authorized representatives to make a
15 19 contact for the purpose of determining health status.
15 20 A provider or broker shall require its authorized
15 21 representative to agree in writing to adhere to the
15 22 privacy provisions of this chapter.
15 23 (2) An authorized representative does not include
15 24 any person who has or may have any financial interest
15 25 in the life settlement contract other than a provider,
15 26 licensed broker, financing entity, related provider
15 27 trust, or special purpose entity.
15 28 f. Is required to purchase stop loss coverage.
15 29 3. Nonpublic personal information solicited or
15 30 obtained in connection with a proposed or actual life
15 31 settlement contract shall be subject to the provisions
15 32 applicable to financial institutions under the federal
15 33 Gramm Leach Bliley Act, 15 U.S.C. } 6801 et seq., and
15 34 all other federal and state laws relating to
15 35 confidentiality of nonpublic personal information.
15 36 Sec. 7. NEW SECTION. 508G.7 EXAMINATION.
15 37 1. The commissioner may, when the commissioner
15 38 deems it reasonably necessary to protect the interests
15 39 of the public, examine the business and affairs of any
15 40 licensee or applicant for a license. The commissioner
15 41 may order any licensee or applicant to produce any
15 42 records, books, files, or other information reasonably
15 43 necessary to ascertain whether such licensee or
15 44 applicant is acting or has acted in violation of the
15 45 law or otherwise contrary to the interests of the
15 46 public. The expenses incurred in conducting any
15 47 examination shall be paid by the licensee or
15 48 applicant.
15 49 2. In lieu of an examination under this section of
15 50 any foreign or alien licensee licensed in this state,



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16 1 the commissioner may, at the commissioner's
16 2 discretion, accept an examination report on the
16 3 licensee as prepared by the commissioner for the
16 4 licensee's state of domicile or port-of-entry state.
16 5 3. Notwithstanding chapter 22, the name and
16 6 individual identification data for each owner and
16 7 insured shall be considered private and confidential
16 8 information and shall not be disclosed by the
16 9 commissioner unless required by law.
16 10 4. The records of all consummated transactions and
16 11 life settlement contracts shall be maintained by the
16 12 provider for three years after the death of the
16 13 insured and shall be available to the commissioner for
16 14 inspection during reasonable business hours.
16 15 5. For the conduct of examinations, all of the
16 16 following shall apply:
16 17 a. Upon determining that an examination is
16 18 appropriate, the commissioner shall issue an
16 19 examination warrant appointing one or more examiners
16 20 to perform the examination and instructing them as to
16 21 the scope of the examination. In conducting the
16 22 examination, an examiner shall use methods common to
16 23 the examination of any life settlement licensee and
16 24 may use those guidelines and procedures set forth in
16 25 an examiners' handbook adopted by a national
16 26 organization as required by the commissioner.
16 27 b. A licensee or other person from whom
16 28 information is sought, its officers, directors, or
16 29 agents shall provide to an examiner timely,
16 30 convenient, and free access at all reasonable hours at
16 31 its office to all books, records, accounts, papers,
16 32 documents, assets, and computer or other recordings
16 33 relating to the property, assets, business, and
16 34 affairs of the licensee or other person being
16 35 examined. The officer, director, employee, or agent
16 36 of the licensee or other person shall facilitate the
16 37 examination and aid in the examination so far as it is
16 38 in the person's power to do so. The refusal of a
16 39 licensee, by an officer, director, employee, or agent,
16 40 to submit to examination or to comply with any
16 41 reasonable written request of the commissioner shall
16 42 be grounds for suspension or refusal of, or nonrenewal
16 43 of any license or authority held by the licensee to
16 44 engage in the business of life settlements or other
16 45 business subject to the commissioner's jurisdiction.
16 46 Any proceedings for suspension, revocation, or refusal
16 47 of a license or authority shall be conducted pursuant
16 48 to chapter 17A.
16 49 c. The commissioner may issue subpoenas,
16 50 administer oaths, and examine under oath any person as



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17 1 to any matter pertinent to the examination. Upon the
17 2 failure or refusal of a person to obey a subpoena, the
17 3 commissioner may petition a court of competent
17 4 jurisdiction, and upon proper showing, the court may
17 5 enter an order compelling the witness to appear and
17 6 testify or produce documentary evidence.

17 7 d. When making an examination under this chapter,
17 8 the commissioner may retain one or more attorneys,
17 9 appraisers, independent actuaries, independent
17 10 certified public accountants, or other professionals
17 11 and specialists as examiners, the reasonable cost of
17 12 which shall be borne by the licensee that is the
17 13 subject of the examination.

17 14 e. This chapter shall not be construed to limit
17 15 the commissioner's authority to terminate or suspend
17 16 an examination in order to pursue other legal or
17 17 administrative action pursuant to the insurance laws
17 18 of this state. Findings of fact and conclusions made
17 19 pursuant to any examination shall be prima facie
17 20 evidence in any legal or regulatory action.

17 21 f. This chapter shall not be construed to limit
17 22 the commissioner's authority to use and, if
17 23 appropriate, to make public any final or preliminary
17 24 examination report, any examiner or licensee work
17 25 papers or other documents, or any other information
17 26 discovered or developed during the course of any
17 27 examination in the furtherance of any legal or
17 28 administrative action which the commissioner may, in
17 29 the commissioner's sole discretion, deem appropriate.

17 30 6. For the examination report, all of the
17 31 following apply:

17 32 a. An examination report shall be comprised of
17 33 only facts appearing upon the books, from the
17 34 testimony of its officers or agents or other persons
17 35 examined concerning its affairs, and such conclusions
17 36 and recommendations as the examiners find reasonably
17 37 warranted from the facts.

17 38 b. Not later than sixty days following completion
17 39 of the examination, the examiner in charge shall file
17 40 with the commissioner a verified written report of
17 41 examination under oath. Upon receipt of the verified
17 42 report, the commissioner shall transmit the report to
17 43 the licensee examined, together with a notice that
17 44 shall afford the licensee examined a reasonable
17 45 opportunity of not more than thirty days to make a
17 46 written submission or rebuttal with respect to any
17 47 matter contained in the examination report and which
17 48 shall become part of the report or to request an
17 49 administrative hearing on any matter in dispute as
17 50 provided in chapter 17A.



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18 1 c. In the event the commissioner determines that
18 2 regulatory action is appropriate as a result of an
18 3 examination, the commissioner may initiate any
18 4 proceeding or action provided by law.

18 5 7. For the confidentiality of examination
18 6 information, all of the following apply:

18 7 a. The name and individual identification data for
18 8 each owner, purchaser, or insured shall be considered
18 9 private and confidential information and shall not be
18 10 disclosed by the commissioner, unless the disclosure
18 11 is to another regulator or is required by law.

18 12 b. Except as otherwise provided in this chapter,
18 13 an examination report, working papers, recorded
18 14 information, documents or materials, and copies
18 15 produced by, obtained by, or disclosed to the
18 16 commissioner or any other person in the course of an
18 17 examination made under this chapter, or in the course
18 18 of analysis or investigation by the commissioner of
18 19 the financial condition or market conduct of a
18 20 licensee shall be confidential by law and privileged,
18 21 shall not be subject to chapter 22, shall not be
18 22 subject to subpoena, and shall not be subject to
18 23 discovery or admissible in evidence in any private
18 24 civil action. The commissioner may use the
18 25 examination report, working papers, recorded
18 26 information, documents, materials, or other
18 27 information in the furtherance of any administrative
18 28 or legal action brought as part of the commissioner's
18 29 official duties. The licensee being examined may have
18 30 access to all documents used to make the report.

18 31 8. For conflict of interest, all of the following
18 32 apply:

18 33 a. An examiner shall not be appointed by the
18 34 commissioner if the examiner, either directly or
18 35 indirectly, has a conflict of interest or is
18 36 affiliated with the management of or owns a pecuniary
18 37 interest in any person subject to examination under
18 38 this chapter. This section shall not be construed to
18 39 automatically preclude an examiner from being any of
18 40 the following:

18 41 (1) An owner.
18 42 (2) An insured in a life settlement contract or
18 43 life insurance policy.
18 44 (3) A beneficiary in a life insurance policy that
18 45 is proposed for a life settlement contract.

18 46 b. Notwithstanding the requirements of this
18 47 subsection, the commissioner may retain from time to
18 48 time, on an individual basis, one or more qualified
18 49 actuaries, certified public accountants, or other
18 50 similar individuals who are independently practicing



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19 1 their professions, even though these persons may from
19 2 time to time be similarly employed or retained by
19 3 persons subject to examination under this chapter.
19 4 9. For immunity from liability, all of the
19 5 following shall apply:
19 6 a. A cause of action shall not arise and liability
19 7 shall not be imposed against the commissioner, the
19 8 commissioner's authorized representative, or any
19 9 examiner appointed by the commissioner for any
19 10 statements made or conduct performed in good faith
19 11 while carrying out the provisions of this chapter.
19 12 b. A cause of action shall not arise, and
19 13 liability shall not be imposed, against any person for
19 14 communicating or delivering information or data to the
19 15 commissioner or the commissioner's authorized
19 16 representative or examiner pursuant to an examination
19 17 made under this chapter, if the communication or
19 18 delivery was performed in good faith and without
19 19 fraudulent intent or the intent to deceive. This
19 20 paragraph does not abrogate or modify in any way any
19 21 common law or statutory privilege or immunity enjoyed
19 22 by any person identified in paragraph "a".
19 23 c. (1) A person identified in paragraph "a" or
19 24 "b" shall be entitled to an award of attorney fees and
19 25 costs if the person is the prevailing party in a civil
19 26 cause of action for libel, slander, or any other
19 27 relevant tort arising out of activities in carrying
19 28 out the provisions of this chapter and the party
19 29 bringing the action was not substantially justified in
19 30 doing so.
19 31 (2) For purposes of subparagraph (1), a proceeding
19 32 is substantially justified if it has a reasonable
19 33 basis in law or fact at the time that it was
19 34 initiated.
19 35 10. The commissioner may investigate a suspected
19 36 fraudulent life settlement act and a person engaged in
19 37 the business of life settlements.
19 38 11. The commission by rule may establish
19 39 reasonable costs for examinations imposed upon a
19 40 person.
19 41 Sec. 8. NEW SECTION. 508G.8 ADVERTISING.
19 42 1. A broker or provider licensed pursuant to this
19 43 chapter may conduct or participate in an advertisement
19 44 within this state. Such advertisement shall comply
19 45 with all statutes or rules adopted by the commissioner
19 46 that are applicable to life insurers or to brokers,
19 47 and providers licensed pursuant to this chapter.
19 48 2. An advertisement shall be accurate, truthful,
19 49 and not misleading in fact or by implication.
19 50 3. A person shall not do any of the following:



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20 1 a. Directly or indirectly market, advertise,
20 2 solicit, or otherwise promote the purchase of a life
20 3 insurance policy for the sole purpose of or with an
20 4 emphasis on settling the life insurance policy.
20 5 b. Use the words "free", "no cost", or words of
20 6 similar import in the marketing, advertising,
20 7 soliciting, or otherwise promoting of the purchase of
20 8 a life insurance policy.
20 9 Sec. 9. NEW SECTION. 508G.9 DISCLOSURES TO
20 10 OWNERS.
20 11 1. A provider shall provide in writing, a separate
20 12 disclosure document that is signed by the owner and
20 13 provider, to the owner not later than the date the
20 14 life settlement contract is signed by all parties.
20 15 a. The disclosure document shall include all of
20 16 the following information:
20 17 (1) That possible alternatives to life settlement
20 18 contracts exist including but not limited to
20 19 accelerated benefits offered by the issuer of the life
20 20 insurance policy.
20 21 (2) That some or all of the proceeds of a life
20 22 settlement contract may be taxable and that assistance
20 23 should be sought from a professional tax advisor.
20 24 (3) That the proceeds from a life settlement
20 25 contract could be subject to the claims of creditors.
20 26 (4) That receipt of proceeds from a life
20 27 settlement contract may adversely affect the
20 28 recipient's eligibility for public assistance or other
20 29 government benefits or entitlements and that advice
20 30 should be obtained from the appropriate agencies.
20 31 (5) That the owner has a right to rescind a life
20 32 settlement contract within fifteen days of the date it
20 33 is executed by all parties and the owner has received
20 34 the disclosures required in this section. Rescission,
20 35 if exercised by the owner, is effective only if both
20 36 notice of the rescission is given, and the owner repays
20 37 all proceeds and any premiums, loans, and loan
20 38 interest paid on account of the provider within the
20 39 rescission period. If the insured dies during the
20 40 rescission period, the contract shall be deemed to have
20 41 been rescinded subject to repayment by the owner or
20 42 the owner's estate of all proceeds and any premiums,
20 43 loans, and loan interest to the provider.
20 44 (6) That proceeds will be sent to the owner within
20 45 three business days after the provider has received
20 46 the insurer or group administrator's acknowledgment
20 47 that ownership of the life insurance policy or
20 48 interest in the life insurance certificate has been
20 49 transferred and the beneficiary has been designated in
20 50 accordance with the terms of the life settlement



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21 1 contract.
21 2 (7) That entering into a life settlement contract
21 3 may cause other rights or benefits, including
21 4 conversion rights and waiver of premium benefits that
21 5 may exist under the life insurance policy or
21 6 certificate of a group life insurance policy, to be
21 7 forfeited by the owner and that assistance should be
21 8 sought from a professional financial advisor.
21 9 (8) (a) The amount and method of calculating the
21 10 compensation paid or to be paid to the broker, or any
21 11 other person acting for the owner in connection with
21 12 the transaction.
21 13 (b) As used in subparagraph subdivision (a),
21 14 compensation includes anything of value paid or given.
21 15 (9) The date by which the funds will be available
21 16 to the owner and the transmitter of the funds.
21 17 (10) That the commissioner requires delivery of a
21 18 buyer's guide or a similar consumer advisory package
21 19 in the form prescribed by the commissioner to owners
21 20 during the solicitation process.
21 21 (11) The following language:
21 22 "All medical, financial, or personal information
21 23 solicited or obtained by a provider or broker about an
21 24 insured, including the insured's identity or the
21 25 identity of family members, a spouse, or a significant
21 26 other may be disclosed as necessary to effect the life
21 27 settlement contract between the owner and provider.
21 28 If you are asked to provide this information, you will
21 29 be asked to consent to the disclosure. The
21 30 information may be provided to someone who buys the
21 31 policy or provides funds for the purchase. You may be
21 32 asked to renew your permission to share information
21 33 every two years."
21 34 (12) That the commissioner requires providers and
21 35 brokers to print separate signed fraud warnings on
21 36 their applications and on their life settlement
21 37 contracts as follows:
21 38 "Any person who knowingly presents false
21 39 information in an application for a life insurance
21 40 policy or life settlement contract is guilty of a
21 41 crime and may be subject to fines and confinement in
21 42 prison."
21 43 (13) That the insured may be contacted by either
21 44 the provider or broker or its authorized
21 45 representative for the purpose of determining the
21 46 insured's health status or to verify the insured's
21 47 address. This contact is limited to once every three
21 48 months if the insured has a life expectancy of more
21 49 than one year, and no more than once per month if the
21 50 insured has a life expectancy of one year or less.



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22 1 (14) The affiliation, if any, between the provider
22 2 and the issuer of the life insurance policy to be
22 3 settled.

22 4 (15) That a broker represents exclusively the
22 5 owner, and not the insurer or the provider or any
22 6 other person, and owes a fiduciary duty to the owner,
22 7 including a duty to act according to the owner's
22 8 instructions and in the best interest of the owner.

22 9 (16) The name, address, and telephone number of
22 10 the provider.

22 11 (17) The name, business address, and telephone
22 12 number of the independent third-party escrow agent,
22 13 and the fact that the owner may inspect or receive
22 14 copies of the relevant escrow or trust agreements or
22 15 documents.

22 16 (18) That a change of ownership could in the
22 17 future limit the insured's ability to purchase future
22 18 insurance on the insured's life because of a limit on
22 19 the amount of coverage insurers will issue on one
22 20 life.

22 21 b. The written disclosure as provided in paragraph
22 22 "a" shall be conspicuously displayed in any life
22 23 settlement contract furnished to the owner by a
22 24 provider including the disclosure of any affiliations
22 25 or contractual arrangements between the provider and
22 26 the broker.

22 27 2. A broker shall provide the owner and the
22 28 provider with at least the following disclosures not
22 29 later than the date the life settlement contract is
22 30 signed by all parties. The disclosures shall be
22 31 conspicuously displayed in the life settlement
22 32 contract or in a separate document signed by the owner
22 33 and provide all of the following information:

22 34 a. The name, business address, and telephone
22 35 number of the broker.

22 36 b. A full, complete, and accurate description of
22 37 all the offers, counteroffers, acceptances, and
22 38 rejections relating to the proposed life settlement
22 39 contract.

22 40 c. A written disclosure of any affiliation or
22 41 contractual arrangement between the broker and any
22 42 person making an offer in connection with the proposed
22 43 life settlement contract.

22 44 d. The name of each broker who receives
22 45 compensation and the amount of compensation received
22 46 by that broker, which compensation includes anything
22 47 of value paid or given to the broker in connection
22 48 with the life settlement contract.

22 49 e. (1) A complete reconciliation of the gross
22 50 offer or bid by the provider to the net amount of



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23 1 proceeds or value to be received by the owner.
23 2 (2) For the purpose of subparagraph (1), "gross
23 3 offer" or "bid" means the total amount or value
23 4 offered by the provider for the purchase of one or
23 5 more life insurance policies, inclusive of commissions
23 6 and fees.
23 7 f. The failure to provide the disclosures or
23 8 rights described in this section is deemed an unfair
23 9 trade practice pursuant to section 508G.17.
23 10 Sec. 10. NEW SECTION. 508G.10 DISCLOSURE TO
23 11 INSURER.
23 12 Without limiting the ability of an insurer from
23 13 assessing the insurability of a policy applicant and
23 14 determining whether or not to issue the policy, and in
23 15 addition to other questions an insurer may lawfully
23 16 pose to a life insurance applicant, insurers may
23 17 inquire in the application for insurance whether the
23 18 proposed owner intends to pay premiums with the
23 19 assistance of financing from a lender that will use
23 20 the policy as collateral to support the financing.
23 21 1. If, as described in the definition of life
23 22 settlement contract in section 508G.2, the loan
23 23 provides funds which can be used for a purpose other
23 24 than paying for the premiums, costs, and expenses
23 25 associated with obtaining and maintaining the life
23 26 insurance policy and loan, the application shall be
23 27 rejected as a violation of the prohibited practices in
23 28 section 508G.13.
23 29 2. If the financing does not violate section
23 30 508G.13 in the manner provided in subsection 1, the
23 31 insurer may do any of the following:
23 32 a. Make a disclosure, including but not limited to
23 33 such as the following, to the applicant and the
23 34 insured, either on the application or an amendment to
23 35 the application to be completed no later than the
23 36 delivery of the policy:
23 37 "If you have entered into a loan arrangement where
23 38 the life insurance policy is used as collateral, and
23 39 the life insurance policy does change ownership at
23 40 some point in the future in satisfaction of the loan,
23 41 the following may be true:
23 42 A change of ownership could lead to a stranger
23 43 owning an interest in the insured's life.
23 44 A change of ownership could in the future limit
23 45 your ability to purchase future insurance on the
23 46 insured's life because of a limit on the amount of
23 47 coverage insurers will issue on one life.
23 48 Should there be a change of ownership and you wish
23 49 to obtain more insurance coverage on the insured's
23 50 life in the future, the insured's higher issue age, a



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24 1 change in health status, or other factors may reduce
24 2 the ability to obtain coverage or may result in
24 3 significantly higher premiums.
24 4 You should consult a professional advisor, since a
24 5 change in ownership in satisfaction of the loan may
24 6 result in tax consequences to the owner, depending on
24 7 the structure of the loan."
24 8 b. Require certifications, such as the following,
24 9 from the applicant or the insured:
24 10 "I have not entered into any agreement or
24 11 arrangement providing for the future sale of this life
24 12 insurance policy.
24 13 My loan arrangement for this life insurance policy
24 14 provides funds sufficient to pay for some or all of
24 15 the premiums, costs, and expenses associated with
24 16 obtaining and maintaining my life insurance policy,
24 17 but I have not entered into any agreement by which I
24 18 am to receive consideration in exchange for procuring
24 19 this life insurance policy.
24 20 The borrower has an insurable interest in the
24 21 insured."
24 22 Sec. 11. NEW SECTION. 508G.11 GENERAL RULES.
24 23 1. A provider entering into a life settlement
24 24 contract with an owner of a life insurance policy,
24 25 where the insured is terminally ill or chronically
24 26 ill, shall first obtain all of the following:
24 27 a. If the owner is the insured, a written
24 28 statement from a licensed attending physician that the
24 29 owner is of sound mind and under no constraint or
24 30 undue influence to enter into a life settlement
24 31 contract.
24 32 b. A document in which the insured consents to the
24 33 release of the owner's medical records to a provider,
24 34 broker, or insurance producer and, if the life
24 35 insurance policy was issued less than two years from
24 36 the date of application for a life settlement
24 37 contract, to the insurance company that issued the
24 38 policy.
24 39 2. An insurer shall respond to a request for
24 40 verification of coverage submitted by a provider,
24 41 broker, or life insurance producer not later than
24 42 thirty calendar days of the date the request is
24 43 received. The request for verification of coverage
24 44 must be made on a form approved by the commissioner.
24 45 The insurer shall complete and issue the verification
24 46 of coverage or indicate in which respects it is unable
24 47 to respond. In its response, the insurer shall
24 48 indicate whether, based on the medical evidence and
24 49 documents provided, the insurer intends to pursue an
24 50 investigation at this time regarding the validity of



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25 1 the life insurance policy.
25 2 3. Before or at the time of the execution of the
25 3 life settlement contract, the provider shall obtain a
25 4 witnessed document in which the owner consents to the
25 5 life settlement contract, represents that the owner
25 6 has a full and complete understanding of the life
25 7 settlement contract, that the owner has a full and
25 8 complete understanding of the benefits of the life
25 9 insurance policy, acknowledges that the owner is
25 10 entering into the life settlement contract freely and
25 11 voluntarily, and, for persons with a terminal or
25 12 chronic illness or condition, acknowledges that the
25 13 insured has a terminal or chronic illness and that the
25 14 terminal or chronic illness or condition was diagnosed
25 15 after the life insurance policy was issued.
25 16 4. The insurer shall not unreasonably delay
25 17 effecting change of ownership or beneficiary with any
25 18 life settlement contract lawfully entered into in this
25 19 state or with a resident of this state.
25 20 5. If a broker or life insurance producer performs
25 21 any activities required of the provider, the provider
25 22 is deemed to have fulfilled the requirements of this
25 23 section.
25 24 6. If a broker performs verification of coverage
25 25 activities required of the provider, the provider is
25 26 deemed to have fulfilled the requirements of section
25 27 508G.9, subsection 1.
25 28 7. Within twenty days after an owner executes the
25 29 life settlement contract, a provider shall give
25 30 written notice to the insurer that issued the life
25 31 insurance policy that the policy has become subject to
25 32 a life settlement contract. The notice shall be
25 33 accompanied by the documents required by section
25 34 508G.10, subsection 1, paragraph "b".
25 35 8. All medical information solicited or obtained
25 36 by any licensee shall be subject to the applicable
25 37 provision of state law relating to confidentiality of
25 38 medical information, if not otherwise provided in this
25 39 chapter.
25 40 9. A life settlement contract entered into in this
25 41 state shall provide that the owner may rescind the
25 42 contract on or before fifteen days after the date it
25 43 is executed by all parties. Rescission, if exercised by
25 44 the owner, is effective only if both notice of the
25 45 rescission is given, and the owner repays all proceeds
25 46 and any premiums, loans, and loan interest paid on
25 47 account of the provider within the rescission period.
25 48 If the insured dies during the rescission period, the
25 49 contract shall be deemed to have been rescinded
25 50 subject to repayment by the owner or the owner's



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26 1 estate of all proceeds and any premiums, loans, and
26 2 loan interest to the provider.
26 3 10. Within three business days after receipt from
26 4 the owner of documents to effect the transfer of the
26 5 insurance policy, the provider shall pay the proceeds
26 6 of the settlement to a trust or escrow account managed
26 7 by a trustee or escrow agent in a state or federally
26 8 chartered financial institution pending acknowledgment
26 9 of the transfer by the issuer of the policy. The
26 10 trustee or escrow agent shall be required to transfer
26 11 the proceeds due to the owner within three business
26 12 days of acknowledgment of the transfer from the
26 13 insurer.
26 14 11. A failure to tender life settlement contract
26 15 proceeds to the owner by the date disclosed to the
26 16 owner renders the contract voidable by the owner for
26 17 lack of consideration until the time the proceeds are
26 18 tendered to and accepted by the owner. A failure to
26 19 give written notice of the right of rescission shall
26 20 toll the right of rescission until thirty days after the
26 21 written notice of the right of rescission has been
26 22 given.
26 23 12. Any fee paid by a provider, party, individual,
26 24 or an owner to a broker in exchange for services
26 25 provided to the owner pertaining to a life settlement
26 26 contract shall be computed as a percentage of the
26 27 offer obtained, not the face value of the life
26 28 insurance policy. This section shall not be construed
26 29 as prohibiting a broker from reducing the broker's fee
26 30 below this percentage if the broker so chooses.
26 31 13. A broker shall disclose to the owner anything
26 32 of value paid or given to the broker, which relates to
26 33 a life settlement contract.
26 34 14. A person shall not at any time prior to, or at
26 35 the time of, the application for, or issuance of, a
26 36 life insurance policy, or during a two-year period
26 37 commencing with the date of issuance of the life
26 38 insurance policy, enter into a life settlement
26 39 contract regardless of the date the compensation is to
26 40 be provided and regardless of the date the assignment,
26 41 transfer, sale, devise, bequest, or surrender of the
26 42 policy is to occur. This prohibition shall not apply
26 43 if the owner certifies to the provider that any of the
26 44 following applies:
26 45 a. The life insurance policy was issued upon the
26 46 owner's exercise of conversion rights arising out of a
26 47 group or individual life insurance policy, provided
26 48 the total of the time covered under the conversion
26 49 policy plus the time covered under the prior life
26 50 insurance policy is at least twenty-four months. The



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27 1 time covered under a group life insurance policy must
27 2 be calculated without regard to a change in insurers,
27 3 provided the coverage has been continuous and under
27 4 the same group sponsorship.
27 5 b. The owner submits independent evidence to the
27 6 provider that one or more of the following conditions
27 7 have been met within the two-year period:
27 8 (1) The owner or insured is terminally ill or
27 9 chronically ill.
27 10 (2) The owner or insured disposes of the owner's
27 11 or insured's ownership interests in a closely held
27 12 corporation, pursuant to the terms of a buyout or
27 13 other similar agreement in effect at the time the life
27 14 insurance policy was initially issued.
27 15 (3) The owner's spouse dies.
27 16 (4) The owner divorces the owner's spouse.
27 17 (5) The owner retires from full-time employment.
27 18 (6) The owner becomes physically or mentally
27 19 disabled and a physician determines that the
27 20 disability prevents the owner from maintaining
27 21 full-time employment.
27 22 (7) A final order, judgment, or decree is entered
27 23 by a court of competent jurisdiction, on the
27 24 application of a creditor of the owner, adjudicating
27 25 the owner bankrupt or insolvent, or approving a
27 26 petition seeking reorganization of the owner or
27 27 appointing a receiver, trustee, or liquidator to all
27 28 or a substantial part of the owner's assets.
27 29 c. Copies of the independent evidence required by
27 30 subsection 14, paragraph "b", shall be submitted to
27 31 the insurer when the provider submits a request to the
27 32 insurer for verification of coverage. The copies
27 33 shall be accompanied by a letter of attestation from
27 34 the provider that the copies are true and correct
27 35 copies of the documents received by the provider.
27 36 This section does not prohibit an insurer from
27 37 exercising its right to contest the validity of any
27 38 life insurance policy.
27 39 d. If the provider submits to the insurer a copy
27 40 of independent evidence provided for in paragraph "b",
27 41 subparagraph (1), when the provider submits a request
27 42 to the insurer to effect the transfer of the policy to
27 43 the provider, the copy is deemed to establish that the
27 44 life settlement contract satisfies the requirements of
27 45 this section.
27 46 Sec. 12. NEW SECTION. 508G.12 AUTHORITY TO ADOPT
27 47 RULES == CONFLICT OF LAWS.
27 48 1. The commissioner may adopt rules implementing
27 49 this chapter and regulating the activities and
27 50 relationships of providers, brokers, insurers, and



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28 1 their agents, pursuant to chapter 17A.
28 2 2. For conflict of laws, all of the following
28 3 shall apply:
28 4 a. If there is more than one owner on a single
28 5 policy, and the owners are residents of different
28 6 states, the life settlement contract shall be governed
28 7 by the law of the state in which the owner having the
28 8 largest percentage ownership resides or, if the owners
28 9 hold equal ownership, the state of residence of one
28 10 owner agreed upon in writing by all of the owners.
28 11 The law of the state of the insured shall govern in
28 12 the event that equal owners fail to agree in writing
28 13 upon a state of residence for jurisdictional purposes.
28 14 b. A provider from this state who enters into a
28 15 life settlement contract with an owner who is a
28 16 resident of another state that has enacted statutes or
28 17 adopted regulations governing life settlement
28 18 contracts shall be governed in the effectuation of
28 19 that life settlement contract by the statutes and
28 20 regulations of the owner's state of residence. If the
28 21 state in which the owner is a resident has not enacted
28 22 statutes or regulations governing life settlement
28 23 contracts, the provider shall give the owner notice
28 24 that neither state regulates the transaction into
28 25 which the owner is entering. For transactions in
28 26 those states, however, the provider shall maintain all
28 27 records required as if the transactions were executed
28 28 in the state of residence. The forms used in those
28 29 states need not be approved by the commissioner.
28 30 c. If there is a conflict in the laws that apply
28 31 to an owner and a purchaser in any individual
28 32 transaction, the laws of the state that apply to the
28 33 owner shall take precedence and the provider shall
28 34 comply with those laws.
28 35 Sec. 13. NEW SECTION. 508G.13 PROHIBITED
28 36 PRACTICES.
28 37 1. A person shall not do any of the following:
28 38 a. Enter into a life settlement contract if the
28 39 person knows or reasonably should have known that the
28 40 life insurance policy was obtained by means of a
28 41 false, deceptive, or misleading application for such
28 42 life insurance policy.
28 43 b. Engage in any transaction, practice, or course
28 44 of business if such person knows or reasonably should
28 45 have known that the intent was to avoid the notice
28 46 requirements of this chapter.
28 47 c. Engage in any fraudulent act or practice in
28 48 connection with any transaction relating to any
28 49 settlement involving an owner who is a resident of
28 50 this state.



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29 1 d. Issue, solicit, market, or otherwise promote
29 2 the purchase of a life insurance policy for the
29 3 purpose of or with an emphasis on settling the life
29 4 insurance policy.

29 5 e. Enter into a premium finance agreement with any
29 6 person or agency, or any person affiliated with such
29 7 person or agency, pursuant to which such person or
29 8 agency shall receive any proceeds, fees, or other
29 9 consideration, directly or indirectly, from the life
29 10 insurance policy or owner of the life insurance policy
29 11 or any other person with respect to the premium
29 12 finance agreement or any life settlement contract or
29 13 other transaction related to such life insurance
29 14 policy that are in addition to the amounts required to
29 15 pay the principal, interest, and service charges
29 16 related to life insurance policy premiums pursuant to
29 17 the premium finance agreement or subsequent sale of
29 18 such agreement. However, any payments, charges, fees,
29 19 or other amounts in addition to the amounts required
29 20 to pay the principal, interest, and service charges
29 21 related to life insurance policy premiums paid under
29 22 the premium finance agreement shall be remitted to the
29 23 original owner of the life insurance policy or to the
29 24 original owner's estate if the original owner is not
29 25 living at the time of the determination of the
29 26 overpayment.

29 27 f. With respect to any life settlement contract or
29 28 life insurance policy and a broker, knowingly solicit
29 29 an offer from, effectuate a life settlement contract
29 30 with, or make a sale to any provider, financing
29 31 entity, or related provider trust that is controlling,
29 32 controlled by, or under common control with such
29 33 broker.

29 34 g. With respect to any life settlement contract or
29 35 life insurance policy and a provider, knowingly enter
29 36 into a life settlement contract with an owner, if, in
29 37 connection with such life settlement contract,
29 38 anything of value will be paid to a broker that is
29 39 controlling, controlled by, or under common control
29 40 with such provider or the financing entity or related
29 41 provider trust that is involved in such life
29 42 settlement contract.

29 43 h. With respect to a provider, enter into a life
29 44 settlement contract unless the life settlement
29 45 promotional, advertising, and marketing materials, as
29 46 may be adopted by rule, have been filed with the
29 47 commissioner. In no event shall any marketing
29 48 materials expressly reference that the insurance is
29 49 free for any period of time. The inclusion of any
29 50 reference in the marketing materials that would cause



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30 1 an owner to reasonably believe that the insurance is
30 2 free for any period of time shall be considered a
30 3 violation of this chapter.
30 4 i. With respect to any life insurance producer,
30 5 insurer, broker, or provider, make any statement or
30 6 representation to the applicant or policyholder in
30 7 connection with the sale or financing of a life
30 8 insurance policy to the effect that the insurance is
30 9 free or without cost to the policyholder for any
30 10 period of time unless provided in the policy.
30 11 2. A violation of this section shall be deemed a
30 12 fraudulent life settlement act.
30 13 Sec. 14. NEW SECTION. 508G.14 FRAUD PREVENTION
30 14 AND CONTROL.
30 15 1. This subsection applies to a fraudulent life
30 16 settlement act, interference, and convicted felons as
30 17 follows:
30 18 a. A person shall not commit a fraudulent life
30 19 settlement act.
30 20 b. A person shall not knowingly and intentionally
30 21 interfere with the enforcement of the provisions of
30 22 this chapter or an investigation of suspected or
30 23 actual violations of this chapter.
30 24 c. A person in the business of life settlements
30 25 shall not knowingly or intentionally permit any person
30 26 convicted of a felony involving dishonesty or breach
30 27 of trust to participate in the business of life
30 28 settlements.
30 29 2. This subsection applies to required fraud
30 30 warnings as follows:
30 31 a. A life settlement contract and an application
30 32 for a life settlement contract, regardless of the form
30 33 of transmission, shall contain the following statement
30 34 or a substantially similar statement:
30 35 "Any person who knowingly presents false
30 36 information in an application for a life insurance
30 37 policy or life settlement contract is guilty of a
30 38 crime and may be subject to fines and confinement in
30 39 prison."
30 40 b. The lack of a statement as required in
30 41 paragraph "a" does not constitute a defense in any
30 42 prosecution for a fraudulent life settlement act.
30 43 3. This section applies to the mandatory reporting
30 44 of fraudulent life settlement acts as follows:
30 45 a. Any person engaged in the business of life
30 46 settlements having knowledge or a reasonable belief
30 47 that a fraudulent life settlement act is being, will
30 48 be, or has been committed shall provide to the
30 49 commissioner the information required by, and in a
30 50 manner prescribed by, the commissioner.



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31 1 b. Any other person having knowledge or a
31 2 reasonable belief that a fraudulent life settlement
31 3 act is being, will be, or has been committed may
31 4 provide to the commissioner the information required
31 5 by, and in a manner prescribed by, the commissioner.
31 6 4. This subsection applies to immunity from
31 7 liability as follows:
31 8 a. Civil liability shall not be imposed on and a
31 9 cause of action shall not arise from a person's
31 10 furnishing information concerning suspected,
31 11 anticipated, or a completed fraudulent life settlement
31 12 act, if the information is provided to or received
31 13 from any of the following:
31 14 (1) The commissioner or the commissioner's
31 15 employees, agents, or representatives.
31 16 (2) Federal, state, or local law enforcement or
31 17 regulatory officials or their employees, agents, or
31 18 representatives.
31 19 (3) A person involved in the prevention and
31 20 detection of fraudulent life settlement acts or that
31 21 person's agents, employees, or representatives.
31 22 (4) Any regulatory body or its employees, agents,
31 23 or representatives, overseeing life insurance, life
31 24 settlements, securities, or investment fraud.
31 25 (5) The life insurer that issued the life
31 26 insurance policy covering the life of the insured.
31 27 (6) The licensee and any agents, employees, or
31 28 representatives.
31 29 b. Paragraph "a" shall not apply to a statement
31 30 made with actual malice. In an action brought against
31 31 a person for filing a report or furnishing other
31 32 information concerning a fraudulent life settlement
31 33 act, the party bringing the action shall plead
31 34 specifically any allegation that paragraph "a" does
31 35 not apply because the person filing the report or
31 36 furnishing the information did so with actual malice.
31 37 c. (1) A person identified in paragraph "a" shall
31 38 be entitled to an award of attorney fees and costs if
31 39 the person is the prevailing party in a civil cause of
31 40 action for libel, slander, or any other relevant tort
31 41 arising out of activities in carrying out the
31 42 provisions of this chapter and the party bringing the
31 43 action was not substantially justified in doing so.
31 44 (2) For purposes of this paragraph "c", a
31 45 proceeding is substantially justified if it had a
31 46 reasonable basis in law or fact at the time that it
31 47 was initiated.
31 48 d. This section does not abrogate or modify common
31 49 law or statutory privileges or immunities enjoyed by a
31 50 person described in paragraph "a".



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32 1 5. This subsection applies to confidentiality as
32 2 follows:

32 3 a. The documents and evidence provided pursuant to
32 4 subsection 4 or obtained by the commissioner in an
32 5 investigation of a suspected or actual fraudulent life
32 6 settlement act shall be privileged and confidential
32 7 and shall not be subject to chapter 22, and shall not
32 8 be subject to discovery or subpoena in a civil or
32 9 criminal action.

32 10 b. Paragraph "a" does not prohibit a release by
32 11 the commissioner of documents and evidence obtained in
32 12 an investigation of a suspected or actual fraudulent
32 13 life settlement act to any of the following:

32 14 (1) In administrative or judicial proceedings to
32 15 enforce laws administered by the commissioner.

32 16 (2) To federal, state, or local law enforcement or
32 17 regulatory agencies, to an organization established
32 18 for the purpose of detecting and preventing fraudulent
32 19 life settlement acts or to the national association of
32 20 insurance commissioners.

32 21 (3) At the discretion of the commissioner, to a
32 22 person in the business of life settlements that is
32 23 aggrieved by a fraudulent life settlement act.

32 24 c. Release of documents and evidence under
32 25 paragraph "b" does not abrogate or modify the
32 26 privilege granted in paragraph "a".

32 27 6. This chapter shall not do any of the following:

32 28 a. Preempt the authority or relieve the duty of
32 29 other law enforcement or regulatory agencies to
32 30 investigate, examine, or prosecute suspected
32 31 violations of law.

32 32 b. Preempt, supersede, or limit any provision of
32 33 any state securities law or any rule, order, or notice
32 34 issued under this chapter.

32 35 c. Prevent or prohibit a person from voluntarily
32 36 disclosing information concerning life settlement
32 37 fraud to a law enforcement or regulatory agency other
32 38 than the commissioner.

32 39 d. Limit the powers granted elsewhere by the laws
32 40 of this state to the commissioner or the insurance
32 41 division, or an insurance fraud unit, to investigate
32 42 and examine possible violations of law and to take
32 43 appropriate action against wrongdoers.

32 44 7. This subsection applies to life settlement
32 45 antifraud initiatives as follows:

32 46 a. A provider or broker shall have in place
32 47 antifraud initiatives reasonably calculated to detect,
32 48 prosecute, and prevent a fraudulent life settlement
32 49 act. At the discretion of the commissioner, the
32 50 commissioner may order, or a licensee may request and



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33 1 the commissioner may grant, such modifications of the
33 2 following required initiatives as necessary to ensure
33 3 an effective antifraud program. The modifications may
33 4 be more or less restrictive than the required
33 5 initiatives so long as the modifications may
33 6 reasonably be expected to accomplish the purpose of
33 7 this section. The antifraud initiatives shall include
33 8 all of the following:

33 9 (1) Fraud investigators, who may be provider or
33 10 broker employees or independent contractors.

33 11 (2) An antifraud plan, which shall be submitted to
33 12 the commissioner. The antifraud plan shall include
33 13 but not be limited to any of the following:

33 14 (a) A description of the procedures for detecting
33 15 and investigating possible fraudulent life settlement
33 16 acts and procedures for resolving material
33 17 inconsistencies between medical records and insurance
33 18 applications.

33 19 (b) A description of the procedures for reporting
33 20 possible fraudulent life settlement acts to the
33 21 commissioner.

33 22 (c) A description of the plan for antifraud
33 23 education and training of underwriters and other
33 24 personnel.

33 25 (d) A description or chart outlining the
33 26 organizational arrangement of the antifraud personnel
33 27 who are responsible for the investigation and
33 28 reporting of possible fraudulent life settlement acts
33 29 and investigating unresolved material inconsistencies
33 30 between medical records and insurance applications.

33 31 b. Antifraud plans submitted to the commissioner
33 32 shall be privileged and confidential, shall not be
33 33 subject to chapter 22, and shall not be subject to
33 34 discovery or subpoena in a civil or criminal action.

33 35 Sec. 15. NEW SECTION. 508G.15 INJUNCTIONS ==
33 36 CIVIL REMEDIES == CEASE AND DESIST.

33 37 1. In addition to the penalties and other
33 38 enforcement provisions of this chapter, if any person
33 39 violates this chapter or any rule implementing this
33 40 chapter, the commissioner may seek an injunction in a
33 41 court of competent jurisdiction in the county where
33 42 the person resides or has a principal place of
33 43 business and may apply for temporary and permanent
33 44 orders that the commissioner determines necessary to
33 45 restrain the person from further committing the
33 46 violation.

33 47 2. A person damaged by an act of another person in
33 48 violation of this chapter or any rule implementing or
33 49 administering this chapter, may bring a civil action
33 50 for damages against the person committing the



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34 1 violation in a court of competent jurisdiction.
34 2 3. The commissioner may issue a cease and desist
34 3 order upon a person who violates any provision of this
34 4 chapter, any rule adopted or order issued by the
34 5 commissioner, or any written agreement entered into
34 6 with the commissioner.
34 7 4. If the commissioner finds that such an action
34 8 presents an immediate danger to the public and
34 9 requires an immediate final order, the commissioner
34 10 may issue an emergency cease and desist order reciting
34 11 with particularity the facts underlying such findings.
34 12 The emergency cease and desist order is effective
34 13 immediately upon service of a copy of the order on the
34 14 respondent and remains effective for ninety days. If
34 15 the commissioner begins nonemergency cease and desist
34 16 proceedings under subsection 1, the emergency cease
34 17 and desist order remains effective, absent an order by
34 18 a court of competent jurisdiction pursuant to chapter
34 19 17A. In the event of a willful violation of this
34 20 chapter, the court may award statutory damages in
34 21 addition to actual damages in an additional amount up
34 22 to three times the actual damage award. The
34 23 provisions of this chapter shall not be waived by
34 24 agreement. A choice of law provision shall not be
34 25 utilized to prevent the application of this chapter to
34 26 any life settlement in which a party to the life
34 27 settlement is a resident of this state.
34 28 Sec. 16. NEW SECTION. 508G.16 PENALTIES.
34 29 1. It is a violation of this chapter for any
34 30 person, provider, broker, or any other party related
34 31 to the business of life settlements, to commit a
34 32 fraudulent life settlement act.
34 33 2. For criminal liability purposes, a person that
34 34 commits a fraudulent life settlement act is guilty of
34 35 a class "D" felony.
34 36 3. In addition to the penalty provided in
34 37 subsection 2, the commissioner may establish, assess,
34 38 and collect a civil penalty not exceeding ten thousand
34 39 dollars for each violation of this chapter, including
34 40 a person or the person's employee licensed pursuant to
34 41 this chapter, who commits a fraudulent life settlement
34 42 act or violates any other provision of this chapter
34 43 and penalties shall be deposited into the general fund
34 44 of the state.
34 45 4. The license of a person licensed under this
34 46 chapter that commits a fraudulent life settlement act
34 47 shall be revoked for a period of five years.
34 48 Sec. 17. NEW SECTION. 508G.17 UNFAIR TRADE
34 49 PRACTICES.
34 50 A violation of sections 508G.3 through 508G.16 by a



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House Amendment 8391 continued

35 1 provider, broker, or insurer shall be considered an
35 2 unfair trade practice pursuant to chapter 507B.
35 3 DIVISION II
35 4 COORDINATING CHANGES
35 5 Sec. 18. Section 502.102, subsection 17, paragraph
35 6 d, Code 2007, is amended to read as follows:
35 7 d. With respect to a ~~viatical~~ life settlement
35 8 ~~investment~~ contract as defined in section 508G.2,
35 9 "issuer" means a person involved in creating,
35 10 transferring, or selling to an investor any interest
35 11 in such a contract, including but not limited to
35 12 fractional or pooled interests, but does not include
35 13 an agent or a broker=dealer.
35 14 Sec. 19. Section 502.102, subsection 28, paragraph
35 15 f, Code 2007, is amended to read as follows:
35 16 f. It includes a ~~viatical~~ life settlement
35 17 ~~investment~~ contract as defined in section 508G.2.
35 18 Sec. 20. Section 502.102, subsection 31A, Code
35 19 2007, is amended by striking the subsection.
35 20 Sec. 21. Section 502.201, subsection 9E, Code
35 21 2007, is amended to read as follows:
35 22 9E. VIATICAL LIFE SETTLEMENT CONTRACTS. A
35 23 ~~viatical~~ life settlement contract as defined in
35 24 section 508.102, or fractional or pooled interest in
35 25 such contract, provided any of the following
35 26 conditions are satisfied:
35 27 a. The assignment, transfer, sale, devise, or
35 28 bequest of a death benefit of a life insurance policy
35 29 or contract is made by the ~~viator to~~ owner of a life
35 30 insurance policy to an insurance company as provided
35 31 under Title XIII, subtitle 1 chapter 508G.
35 32 b. The assignment, transfer, sale, devise, or
35 33 bequest of a life insurance policy or contract, for
35 34 any value less than the expected death benefit, is
35 35 made by the ~~viator~~ owner of the life insurance policy
35 36 to a family member or other person who enters into no
35 37 more than one such agreement in a calendar year.
35 38 c. A life insurance policy or contract is assigned
35 39 to a bank, savings bank, savings and loan association,
35 40 credit union, or other licensed lending institution as
35 41 collateral for a loan.
35 42 d. Accelerated benefits are exercised as provided
35 43 in the life insurance policy or contract and
35 44 consistent with applicable law.
35 45 e. The assignment, transfer, sale, devise, or
35 46 bequest of the death benefit or ownership of a life
35 47 insurance policy or contract made by the policyholder
35 48 or contract owner to a ~~viatical settlement~~ provider
35 49 pursuant to a life settlement contract, if the
35 50 ~~viatical~~ life settlement transaction contract complies



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House Amendment 8391 continued

37 1 the following: <penalties, and an effective date.>
37 2
37 3
37 4
37 5 STRUYK of Pottawattamie
37 6 SF 2392.704 82
37 7 da/rj/11443



Iowa General Assembly
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House Amendment 8392

PAG LIN

1 1 Amend the amendment, H=8328, to Senate File 2279,
1 2 as amended, passed, and reprinted by the Senate, as
1 3 follows:
1 4 #1. Page 1, by inserting after line 2 the
1 5 following:
1 6 <#____. Page 2, by inserting after line 15 the
1 7 following:
1 8 <____. The farm-to-school council established
1 9 pursuant to section 190A.2.>>
1 10 #2. By renumbering as necessary.
1 11
1 12
1 13
1 14 KUHN of Floyd
1 15 SF 2279.212 82
1 16 kh/nh/12194
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Iowa General Assembly
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House Amendment 8393

PAG LIN

1 1 Amend House File 2528 as follows:
1 2 #1. Page 3, by inserting after line 26 the
1 3 following:
1 4 <Sec. _____. NEW SECTION. 68A.506 PROHIBITED
1 5 CONTRIBUTIONS.
1 6 A political committee shall not contribute, act as
1 7 an agent or intermediary for contributions, or arrange
1 8 for the making of monetary contributions to a
1 9 candidate or to a candidate's committee unless the
1 10 political committee certifies that all individuals
1 11 paying dues or making contributions to the political
1 12 committee are United States citizens.>
1 13 #2. By renumbering as necessary.
1 14
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1 16
1 17 BAUDLER of Adair
1 18 HF 2528.701 82
1 19 jr/rj/6391
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Iowa General Assembly
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House Amendment 8394

PAG LIN

1 1 Amend Senate File 2353, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. By striking page 8, line 33, through page 9,
1 4 line 13.
1 5 #2. Page 9, line 16, by inserting before the words
1 6 <A judge> the following: <a.>
1 7 #3. Page 9, lines 33 and 34, by striking the words
1 8 ~~<seventy-eight years of senior judge retirement>~~, and
1 9 inserting the following: <seventy-eight years of>.
1 10 #4. Page 10, lines 10 and 11, by striking the
1 11 words ~~<seventy-eight years of senior judge~~
1 12 ~~retirement>~~, and inserting the following:
1 13 <seventy-eight years of>.
1 14 #5. Page 10, line 11, by inserting before the
1 15 words <The state> the following: <b.>
1 16 #6. Page 10, line 11, by inserting after the word
1 17 <provide> the following: <and pay for medical
1 18 insurance>.
1 19 #7. Page 10, line 12, by striking the words <age,
1 20 to an> the following: <age, to ~~an~~ any of the
1 21 following:
1 22 (1) An>.
1 23 #8. Page 10, line 12, by inserting after the words
1 24 <active senior judge> the following: <and to the
1 25 judge's spouse.>
1 26 #9. Page 10, line 12, by striking the words <or a
1 27 senior judge>, and inserting the following: ~~<or a~~
1 28 (2) A senior judge, who is not an active senior
1 29 judge,>.
1 30 #10. Page 10, by striking lines 14 and 15 and
1 31 inserting the following: <spouse, and pay for medical
1 32 insurance until if the judge attains the age of is
1 33 less than seventy-eight years of age.>
1 34 #11. Page 10, lines 20 and 21, by striking the
1 35 words ~~<attained seventy-eight years of attains senior~~
1 36 ~~judge retirement>~~, and inserting the following:
1 37 <attained seventy-eight years of>.
1 38 #12. Page 10, lines 27 and 28, by striking the
1 39 words ~~<seventy-eight years of senior judge~~
1 40 ~~retirement>~~, and inserting the following:
1 41 <seventy-eight years of>.
1 42 #13. Page 11, by striking lines 1 through 22 and
1 43 inserting the following:
1 44 <Sec. ____ . Section 602.9207, subsection 1, Code
1 45 2007, is amended by striking the subsection.
1 46 Sec. ____ . Section 602.9208, subsection 1, Code
1 47 2007, is amended to read as follows:
1 48 1. A senior judge, at any time ~~prior to the end of~~
1 49 ~~the twelve-month period during which the judge attains~~
1 50 ~~seventy-eight years of age, may submit to the clerk of~~



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House Amendment 8394 continued

2 1 the supreme court a written request that the judge's
2 2 name be stricken from the roster of senior judges.
2 3 Upon the receipt of the request the clerk shall strike
2 4 the name of the person from the roster of senior
2 5 judges, at which time the person shall cease to be a
2 6 senior judge. A person who relinquishes a senior
2 7 judgeship as provided in this subsection may be
2 8 assigned to temporary judicial duties as provided in
2 9 section 602.1612.>
2 10 #14. By renumbering as necessary.
2 11
2 12
2 13
2 14 SMITH of Marshall
2 15 SF 2353.203 82
2 16 ec/rj/21061



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House Amendment 8395

PAG LIN

1 1 Amend Senate File 2400, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 17, by inserting after line 23 the
1 4 following:
1 5 <Sec. ____ . NEW SECTION. 504.132 SECRETARY OF
1 6 STATE == INTERNET SITE.
1 7 The secretary of state shall place on the secretary
1 8 of state's internet site a link to the internal
1 9 revenue service's internet site for internal revenue
1 10 service forms 990 and 990EZ.>
1 11 #2. By renumbering as necessary.
1 12
1 13
1 14
1 15 MASCHER of Johnson
1 16 SF 2400.302 82
1 17 ec/mg/11447
1 18
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House Amendment 8396

PAG LIN

1 1 Amend House File 2660 as follows:
1 2 #1. Page 19, by inserting after line 1 the
1 3 following:
1 4 <Sec. _____. MEMORANDUM OF UNDERSTANDING ==
1 5 ENFORCEMENT OF FEDERAL IMMIGRATION LAW.
1 6 1. The attorney general is authorized and directed
1 7 to negotiate the terms of a memorandum of
1 8 understanding between the state of Iowa and the United
1 9 States department of justice or the United States
1 10 department of homeland security concerning the
1 11 enforcement of federal immigration and custom laws,
1 12 detention removals, and investigations in the state of
1 13 Iowa. The agreement shall provide that costs incurred
1 14 by the state for the detention and deportation of an
1 15 unauthorized alien shall be reimbursed by the federal
1 16 government.
1 17 2. The memorandum of understanding negotiated
1 18 pursuant to subsection 1 shall be signed on behalf of
1 19 this state by the attorney general and the governor or
1 20 as otherwise required by the appropriate federal
1 21 agency but shall not be implemented until money is
1 22 appropriated for such purpose.
1 23 3. A local government, whether acting through its
1 24 governing body or by an initiative, referendum, or any
1 25 other process, shall not enact any ordinance,
1 26 resolution, or policy that limits or prohibits a law
1 27 enforcement officer, local officer, or local
1 28 government employee from communicating or cooperating
1 29 with federal officials with regard to the immigration
1 30 status of any person within this state.
1 31 4. Notwithstanding any other provision of law, a
1 32 government entity or official within the state of Iowa
1 33 shall not prohibit, or in any way restrict, any
1 34 government entity or official from sending to, or
1 35 receiving from, the United States department of
1 36 homeland security information regarding the
1 37 citizenship or immigration status, lawful or unlawful,
1 38 of any individual.
1 39 5. Notwithstanding any other provision of law, a
1 40 person or agency shall not prohibit, or in any way
1 41 restrict, a public employee from doing any of the
1 42 following with respect to information regarding the
1 43 immigration status, lawful or unlawful, of any
1 44 individual:
1 45 a. Sending such information to, or requesting or
1 46 receiving such information from, the United States
1 47 department of homeland security.
1 48 b. Maintaining such information.
1 49 c. Exchanging such information with any other
1 50 federal, state, or local government entity.



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House Amendment 8396 continued

2 1 6. Any natural or legal person lawfully domiciled
2 2 in this state may file for a writ of mandamus to
2 3 compel any noncooperating local or state governmental
2 4 agency to comply with this section.>
2 5 #2. By renumbering as necessary.
2 6
2 7
2 8
2 9 STRUYK of Pottawattamie
2 10
2 11
2 12
2 13 LUKAN of Dubuque
2 14
2 15
2 16
2 17 HORBACH of Tama
2 18 HF 2660.702 82
2 19 jm/jp/11449



**Iowa General Assembly
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House Amendment 8397

PAG LIN

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1 1 Amend House File 2660 as follows:
1 2 #1. Page 19, by inserting after line 1 the
1 3 following:
1 4 <Sec. _____. NEW SECTION. 715A.8A IDENTITY THEFT
1 5 == FALSIFYING DOCUMENTS.
1 6 It is an aggravated misdemeanor for a person to do
1 7 any of the following:
1 8 1. Make a driver's license, a nonoperator's
1 9 identification card, a blank driver's license form, or
1 10 any other form or document used to establish a
1 11 person's identity if the person has no authority or
1 12 right to make the license, card, or form in order to
1 13 assist an unauthorized alien to obtain employment.
1 14 2. Obtain, possess, or have in the person's
1 15 control or on the person's premises, driver's license
1 16 or nonoperator's identification card forms, or any
1 17 other forms or documents used to establish a person's
1 18 identity in order to assist an unauthorized alien to
1 19 obtain employment.
1 20 3. Obtain, possess, or have in the person's
1 21 control or on the person's premises, a driver's
1 22 license or a nonoperator's identification card, or
1 23 blank driver's license or nonoperator's identification
1 24 card form, or any other form or document which could
1 25 be used to establish a person's identity, which has
1 26 been made by a person having no authority or right to
1 27 make the license, card, or form in order to assist an
1 28 unauthorized alien to obtain employment.
1 29 4. Use a false or fictitious name in any
1 30 application for a driver's license or nonoperator's
1 31 identification card or to knowingly make a false
1 32 statement or knowingly conceal a material fact or
1 33 otherwise commit fraud on an application in order to
1 34 assist an unauthorized alien to obtain employment.>
1 35 #2. By renumbering as necessary.
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1 39 BAUDLER of Adair
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1 43 LUKAN of Dubuque
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1 47 HORBACH of Tama
1 48 HF 2660.503 82
1 49 jm/jp/11450
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House Amendment 8398

PAG LIN

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1 1 Amend House File 2660 as follows:
1 2 #1. Page 19, by inserting after line 1 the
1 3 following:
1 4 <Sec. _____. Section 811.1, Code 2007, is amended by
1 5 adding the following new subsection:
1 6 NEW SUBSECTION. 4. A defendant who is an
1 7 identified unauthorized alien and is not lawfully
1 8 present in the United States.
1 9 Sec. _____. NEW SECTION. 811.1B UNAUTHORIZED ALIEN
1 10 == NOTIFICATION.
1 11 The law enforcement agency responsible for the
1 12 arrest of a defendant who has been denied bail
1 13 pursuant to section 811.1, subsection 4, shall notify
1 14 the United States immigration and customs enforcement
1 15 about the defendant who has been denied bail.>
1 16 #2. Page 19, by inserting after line 17 the
1 17 following:
1 18 <Sec. _____. IMPLEMENTATION OF ACT. Section 25B.2,
1 19 subsection 3, shall not apply to the sections of this
1 20 Act amending section 811.1 and enacting section
1 21 811.1B.>
1 22 #3. By renumbering as necessary.
1 23
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1 26 BAUDLER of Adair
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1 30 LUKAN of Dubuque
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1 34 HORBACH of Tama
1 35 HF 2660.205 82
1 36 jm/jp/11448
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House Amendment 8399

PAG LIN

1 1 Amend Senate File 2329, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 2, line 20, by striking the word <base>
1 4 and inserting the following: <budget>.
1 5 #2. By renumbering as necessary.
1 6
1 7
1 8
1 9 RANTS of Woodbury
1 10 SF 2329.504 82
1 11 ak/sc/21069
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Iowa General Assembly
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House Amendment 8400

PAG LIN

1 1 Amend Senate File 2251, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by striking lines 7 through 15 and
1 4 inserting the following:
1 5 <2. School districts may encourage a student to
1 6 receive an eye examination by a licensed
1 7 ophthalmologist or optometrist prior to the student
1 8 receiving special education services pursuant to
1 9 chapter 256B. The eye examination is not a
1 10 requirement for a student to receive special education
1 11 services. A parent or guardian shall be responsible
1 12 for ensuring that a student receives an eye
1 13 examination pursuant to this section.>
1 14
1 15
1 16
1 17 STAED of Linn
1 18 SF 2251.702 82
1 19 ak/sc/21073
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Iowa General Assembly
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House Amendment 8401

PAG LIN

1 1 Amend Senate File 2353, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. By striking page 3, line 23, through page 4,
1 4 line 19, and inserting the following:
1 5 <Sec. _____. Section 236.3, subsection 6, Code 2007,
1 6 is amended to read as follows:
1 7 6. Name and age of each child under eighteen whose
1 8 welfare may be affected by the controversy. The
1 9 petition may also specify and identify specific
1 10 property which may be affected by the controversy.
1 11 Sec. _____. Section 236.4, subsection 2, Code 2007,
1 12 is amended to read as follows:
1 13 2. The court may enter any temporary order it
1 14 deems necessary to protect the plaintiff from domestic
1 15 abuse prior to the hearing, including temporary
1 16 custody, visitation, or property orders, upon good
1 17 cause shown in an ex parte proceeding. Present danger
1 18 of domestic abuse to the plaintiff constitutes good
1 19 cause for purposes of this subsection.
1 20 a. The court may award temporary custody of or
1 21 establish temporary visitation rights with regard to
1 22 children under eighteen years of age. In awarding
1 23 temporary custody or temporary visitation rights, the
1 24 court shall give primary consideration to the safety
1 25 of the alleged victim and the children. Prior to the
1 26 entry of any temporary order pursuant to this
1 27 subsection related to a child-custody determination as
1 28 defined in section 598B.102, the plaintiff shall
1 29 comply with the provisions of section 598B.209. If
1 30 the court finds that the safety of the alleged victim
1 31 will be jeopardized by unsupervised or unrestricted
1 32 visitation, the court shall set conditions or restrict
1 33 visitation as to time, place, duration, or
1 34 supervision, or deny visitation entirely, as needed to
1 35 guard the safety of the victim and the children. The
1 36 court shall also determine whether any other existing
1 37 orders awarding custody or visitation should be
1 38 modified.
1 39 b. The court may issue a temporary order granting
1 40 the petitioner the exclusive care, possession, or
1 41 control of property specified in the petition which
1 42 may be affected by the controversy.
1 43 Sec. _____. Section 236.5, subsection 2, Code 2007,
1 44 is amended by adding the following new paragraph:
1 45 NEW PARAGRAPH. bb. That the plaintiff or
1 46 defendant have exclusive care, possession, or control
1 47 of any other property affected by the controversy.>
1 48 #2. Title page, by striking line 3 and inserting
1 49 the following: <and dispositional orders in a
1 50 domestic abuse proceeding.>



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House Amendment 8401 continued

2 1
2 2
2 3
2 4 HUSER of Polk
2 5 SF 2353.204 82
2 6 jm/rj/21070



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House Amendment 8402

PAG LIN

1 1 Amend House File 2637 as follows:
1 2 #1. Page 3, by striking lines 10 through 25 and
1 3 inserting the following:
1 4 <Sec. _____. Section 622.10, Code Supplement 2007,
1 5 is amended by adding the following new subsection:
1 6 NEW SUBSECTION. 4A. At any time, upon a written
1 7 request from a patient, a patient's legal
1 8 representative or attorney, or an adverse party
1 9 pursuant to subsection 3, any provider shall provide
1 10 copies of the requested records or images to the
1 11 requester within thirty days of receipt of the written
1 12 request. The written request shall be accompanied by
1 13 a legally sufficient patient's waiver unless the
1 14 request is made by the patient or the patient's legal
1 15 representative or attorney. The provider shall also
1 16 produce copies of patient records or images contained
1 17 in the provider's files generated by another provider.
1 18 a. The fee charged for the cost of producing the
1 19 requested records or images shall be based upon the
1 20 actual cost of production. If the written request and
1 21 accompanying patient's waiver, if required, authorizes
1 22 the release of all of the patient's records for the
1 23 requested time period, including records relating to
1 24 the patient's mental health, substance abuse, and
1 25 acquired immune deficiency syndrome-related
1 26 conditions, the amount charged shall not exceed the
1 27 rates established by the workers' compensation
1 28 commissioner for copies of records in workers'
1 29 compensation cases. In addition, a retrieval fee of
1 30 up to twenty-five dollars per request may be charged
1 31 for up to two requests. If requested, the provider
1 32 shall include an affidavit certifying that the records
1 33 or images produced are true and accurate copies of the
1 34 originals for an additional fee not to exceed ten
1 35 dollars.
1 36 b. A patient or a patient's legal representative
1 37 or a patient's attorney is entitled to one copy free
1 38 of charge of the patient's complete billing statement,
1 39 subject only to a charge for the actual costs of
1 40 postage or delivery charges incurred in providing the
1 41 statement. If requested, the provider or custodian of
1 42 the record shall include an affidavit certifying the
1 43 billing statements produced to be true and accurate
1 44 copies of the originals for an additional fee not to
1 45 exceed ten dollars.
1 46 c. Fees charged pursuant to this subsection are
1 47 not subject to a sales or use tax. A provider
1 48 providing the records or images may require payment in
1 49 advance if an itemized statement demanding such is
1 50 provided to the requesting party within fifteen days



Iowa General Assembly
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House Amendment 8402 continued

2 1 of the request. Upon a timely request for payment in
2 2 advance, the time for providing the records or images
2 3 shall be extended until the greater of thirty days
2 4 from the date of the original request or ten days from
2 5 the receipt of payment.

2 6 d. If a provider does not provide to the requester
2 7 all records or images encompassed by the request or
2 8 does not allow a patient access to all of the
2 9 patient's medical records encompassed by the patient's
2 10 request to examine the patient's records, the provider
2 11 shall give written notice to the requester or the
2 12 patient that providing the requested records or images
2 13 would be a violation of the federal Health Insurance
2 14 Portability and Accountability Act of 1996, Pub. L.
2 15 No. 104=191.

2 16 e. As used in this subsection:

2 17 (1) "Records" and "images" include electronic
2 18 media and data containing a patient's health or
2 19 billing information and "copies" includes patient
2 20 records or images provided in electronic form,
2 21 regardless of the form of the originals. If consented
2 22 to by the requesting party, records and images
2 23 produced pursuant to this subsection may be produced
2 24 on electronic media.

2 25 (2) "Provider" means any physician or surgeon,
2 26 physician assistant, advanced registered nurse
2 27 practitioner, mental health professional, hospital,
2 28 nursing home, or other person, entity, facility, or
2 29 organization that furnishes, bills, or is paid for
2 30 health care in the normal course of business.>

2 31 #2. Title page, by striking line 2 and inserting
2 32 the following: <concerning health care, patient
2 33 access to the patient's medical file, and health care
2 34 records and providing>.

2 35 #3. By renumbering as necessary.

2 36

2 37

2 38

2 39 HUSER of Polk

2 40 HF 2637.701 82

2 41 rh/rj/21050



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House Amendment 8403

PAG LIN

1 1 Amend House File 2628, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 1, by striking lines 19 and 20 and
1 4 inserting the following: <a person.>
1 5 HF 2628.S
1 6 rh/rj/cc/26
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House Amendment 8404 continued

2 1 years for the purposes provided in subsection 2~~7~~
~~2 2 paragraph "b", and subsection 2, paragraph "c",~~
~~2 3 subparagraphs (1) and (2).~~
2 4 b. Moneys in the fund shall not be appropriated
2 5 for purposes other than those specified in subsection
2 6 2, and shall not be appropriated in amounts that
2 7 reduce the fund balance below two hundred million
2 8 dollars.>
2 9 #___. Title page, by striking line 3 and inserting
2 10 the following: <environmental protection, and the
2 11 senior living trust fund.>
2 12
2 13
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2 15 RAECKER of Polk
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2 19 DE BOEF of Keokuk
2 20
2 21
2 22
2 23 HEATON of Henry
2 24 HF 2662.701 82
2 25 da/jp/11451



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House Amendment 8405 continued

2 1 as an appropriation made under the expenditure
2 2 limitation amount. Subject to the applicability
2 3 condition in paragraph "a", the requirements of this
2 4 subsection shall apply to either or both the initial
2 5 and immediately succeeding fiscal years for which the
2 6 appropriation is made from the other funding source.
2 7 NEW SUBSECTION. 9. a. Commencing during the
2 8 fiscal year that begins July 1, 2008, if the adjusted
2 9 revenue estimate used to establish the expenditure
2 10 limitation for the succeeding fiscal year represents
2 11 an increase over the adjusted revenue estimate used to
2 12 establish the expenditure limitation for the fiscal
2 13 year in progress by a percentage amount listed in this
2 14 paragraph, there is appropriated from the general fund
2 15 of the state to the office of the treasurer of state
2 16 for the succeeding fiscal year, the indicated amount.
2 17 An appropriation made pursuant to this subsection
2 18 shall be counted under the state general fund
2 19 expenditure limitation amount for the fiscal year for
2 20 which the appropriation is made. The treasurer of
2 21 state shall distribute the appropriation as provided
2 22 in paragraph "b" to be used to restore funding that
2 23 was transferred to the general fund of the state or
2 24 appropriated from various funds and accounts in lieu
2 25 of funding from the general fund of the state. The
2 26 appropriation made in this paragraph shall continue on
2 27 an annual basis until the amounts listed in paragraph
2 28 "b" have all been distributed. If the amount
2 29 appropriated would exceed the amount remaining to be
2 30 distributed, the appropriation shall be reduced by the
2 31 excess.
2 32 (1) For an increase in the adjusted revenue
2 33 estimate of more than two percent but less than four
2 34 percent, the appropriation made in this paragraph "a"
2 35 shall be an amount equal to one-half of one percent of
2 36 the adjusted revenue estimate used to establish the
2 37 state general fund expenditure limitation for the
2 38 fiscal year for which the appropriation is made.
2 39 (2) For an increase in the adjusted revenue
2 40 estimate of at least four percent but less than six
2 41 percent, the appropriation made in this paragraph "a"
2 42 shall be an amount equal to one percent of the
2 43 adjusted revenue estimate used to establish the state
2 44 general fund expenditure limitation for the fiscal
2 45 year for which the appropriation is made.
2 46 (3) For an increase in the adjusted revenue
2 47 estimate of at least six percent but less than eight
2 48 percent, the appropriation made in this paragraph "a"
2 49 shall be an amount equal to one and one-half percent
2 50 of the adjusted revenue estimate used to establish the



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House Amendment 8405 continued

3 1 state general fund expenditure limitation for the
3 2 fiscal year for which the appropriation is made.
3 3 (4) For an increase in the adjusted revenue
3 4 estimate of eight percent or more, the appropriation
3 5 made in this paragraph "a" shall be an amount equal to
3 6 two percent of the adjusted revenue estimate used to
3 7 establish the state general fund expenditure
3 8 limitation for the fiscal year for which the
3 9 appropriation is made.
3 10 b. The appropriation made in paragraph "a" shall
3 11 be annually, if necessary, distributed as provided in
3 12 this paragraph "b". Unless otherwise provided by law,
3 13 notwithstanding section 8.33, moneys distributed in
3 14 accordance with this paragraph that remain
3 15 unencumbered or unobligated at the close of the fiscal
3 16 year shall not revert but shall remain available for
3 17 expenditure for the purposes designated until
3 18 expended.
3 19 (1) Moneys appropriated in paragraph "a" shall be
3 20 distributed to the funds and departments listed in
3 21 this subparagraph, in the order and amounts listed
3 22 until the full amounts listed have been distributed.
3 23 To the extent the appropriation for a fiscal year is
3 24 insufficient to fully fund an amount listed or
3 25 remaining, the amount of the insufficiency shall be
3 26 distributed from the next succeeding appropriation or
3 27 appropriations. When all amounts listed in this
3 28 subparagraph have been distributed in full, any
3 29 remaining amounts of the appropriation made in
3 30 paragraph "a" shall be distributed as provided in
3 31 subparagraph (2). Moneys distributed pursuant to this
3 32 subparagraph (1) shall be used for the purposes of the
3 33 fund or department to which distributed, unless a
3 34 purpose is stated with the amount:
3 35 (a) The innovations fund created in section 8.63,
3 36 four hundred thousand dollars.
3 37 (b) The state department of transportation to be
3 38 used for aviation hangars, three hundred sixty
3 39 thousand dollars, and for airport engineering studies
3 40 and improvement projects, three hundred forty-seven
3 41 thousand dollars.
3 42 (c) The special all-terrain vehicle fund created
3 43 pursuant to section 321I.8, twenty-five thousand
3 44 dollars.
3 45 (d) The victim compensation fund established in
3 46 section 915.94, one million dollars.
3 47 (e) The special snowmobile fund created pursuant
3 48 to section 321G.7, fifty thousand dollars.
3 49 (f) The revolving fund created in section
3 50 602.1302, for the purpose of paying jury and witness



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House Amendment 8405 continued

- 4 1 fees and mileage by the judicial branch, and for
4 2 payment of other trial-related expenses, one million
4 3 dollars.
- 4 4 (g) The brucellosis and tuberculosis eradication
4 5 fund created in section 165.18, one million dollars.
- 4 6 (h) The agricultural drainage well water quality
4 7 assistance fund created in section 460.303, one
4 8 million one hundred thousand dollars.
- 4 9 (i) The property tax relief fund risk pool created
4 10 in section 426B.5, subsection 2, three million five
4 11 hundred thousand dollars.
- 4 12 (j) The title guaranty fund created in section
4 13 16.91, two million seven hundred thousand dollars.
- 4 14 (k) The waste tire management fund created in
4 15 section 455D.11C, four million six hundred thousand
4 16 dollars.
- 4 17 (l) The groundwater protection fund established in
4 18 section 455E.11, five million two hundred thousand
4 19 dollars.
- 4 20 (m) The state department of transportation to be
4 21 used for recreational trails projects, five million
4 22 five hundred thousand dollars.
- 4 23 (n) The strategic investment fund created in
4 24 section 15.313, three million dollars.
- 4 25 (o) The physical infrastructure assistance fund
4 26 created in section 15E.175, two million five hundred
4 27 thousand dollars.
- 4 28 (p) The value-added agricultural products and
4 29 processes financial assistance fund created in section
4 30 15E.112, seven hundred fifty thousand dollars.
- 4 31 (q) The school infrastructure fund created in
4 32 section 12.82, twenty-two million dollars.
- 4 33 (2) When the amounts listed in subparagraph (1)
4 34 have all been distributed, any remaining amounts of
4 35 the appropriation made in paragraph "a" shall be
4 36 annually distributed to the account and funds listed
4 37 in this subparagraph (2) until the full amounts listed
4 38 have been distributed. If the appropriation is
4 39 insufficient to fully fund all amounts listed or
4 40 remaining, the appropriation shall be prorated among
4 41 the account and funds based upon an amount's
4 42 proportion of the total amount to be distributed. The
4 43 distribution of the appropriation made in paragraph
4 44 "a" shall continue in succeeding fiscal years until
4 45 the entire amount listed for each account or fund in
4 46 this subparagraph (2) has been distributed. Moneys
4 47 distributed shall be used for the purposes of the
4 48 account or fund to which distributed:
- 4 49 (a) The environment first fund created in section
4 50 8.57A, sixty-nine million five hundred thousand



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House Amendment 8405 continued

5 1 dollars.
5 2 (b) The rebuild Iowa infrastructure fund created
5 3 in section 8.57, subsection 6, sixty million five
5 4 hundred sixty thousand dollars.
5 5 (c) The Iowa comprehensive petroleum underground
5 6 storage tank fund created in section 455G.3,
5 7 forty=eight million dollars.
5 8 c. This subsection is repealed on July 1 following
5 9 the fiscal year in which all amounts listed in
5 10 paragraph "b" have been paid in full. The treasurer
5 11 of state shall notify the Code editor when the amounts
5 12 have been paid in full.
5 13 Sec. ____ . EFFECTIVE AND APPLICABILITY DATES. The
5 14 section of this Act amending section 8.54, subsection
5 15 2, and the provision of the section of this Act
5 16 enacting section 8.54, subsection 8, take effect July
5 17 1, 2008, and are first applicable to the state general
5 18 fund expenditure limitation established for the fiscal
5 19 year beginning July 1, 2009.>
5 20 #____. Title page, line 3, by inserting after the
5 21 word <protection> the following: <, and addressing
5 22 the state general fund expenditure limitation>.>
5 23
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5 26 SANDS of Louisa
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5 30 RAECKER of Polk
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5 34 DE BOEF of Keokuk
5 35 HF 2662.501 82
5 36 da/jp/11452



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House Resolution 140 - Introduced

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H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO.
 1 2 BY HEDDENS, WESSEL=KROESCHELL,
 1 3 DEYOE, and D. OLSON
 1 4 A Resolution congratulating Iowa State University of
 1 5 Science and Technology for 150 years of leadership
 1 6 and service to the nation and the world as Iowa's
 1 7 land=grant university.
 1 8 WHEREAS, Iowa State University of Science and
 1 9 Technology was established by the General Assembly on
 1 10 March 22, 1858, as the Iowa Agricultural College and
 1 11 Model Farm in response to the state's desire to
 1 12 provide higher education opportunities to farm
 1 13 families and working classes in Iowa; and
 1 14 WHEREAS, on September 11, 1862, Iowa became the
 1 15 first state in the nation to accept the terms and
 1 16 conditions of the federal Morrill Act creating the
 1 17 land=grant system of colleges and universities; and
 1 18 WHEREAS, the Iowa Agricultural College and Model
 1 19 Farm, today Iowa State University of Science and
 1 20 Technology, received Iowa's land=grant charter on
 1 21 March 29, 1864, making it one of the first land=grant
 1 22 institutions in the nation; and
 1 23 WHEREAS, Iowa State University was a pioneer in all
 1 24 three parts of the land=grant mission, namely:
 1 25 1. Access to all, regardless of race, gender, or
 1 26 social class: Iowa State University was the first
 1 27 land=grant institution to be coeducational from its
 1 28 opening, with 16 women in its first class; future
 1 29 suffragist Carrie Chapman Catt was an 1880 graduate;
 1 30 and George Washington Carver was the first



**Iowa General Assembly
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House Resolution 140 - Introduced continued

2 1 African-American student, earning a bachelor's degree
2 2 in 1894 and a master's degree in 1896, and was also
2 3 the institution's first African-American faculty
2 4 member;

2 5 2. Practical research: Iowa State University
2 6 established the nation's first engineering experiment
2 7 station and domestic economy experimental kitchen, and
2 8 one of the first agriculture experiment stations;

2 9 3. Outreach: Among the earliest land-grant
2 10 institution outreach activities were the Farmers
2 11 Institutes in the winter of 1869-1870 by Iowa State
2 12 University President Adonijah Welch, and the nation's
2 13 first county extension service was organized in 1903
2 14 in Sioux County in northwest Iowa by Professor Perry
2 15 Holden; and

2 16 WHEREAS, some of the most important technological
2 17 advancements of the modern world were the result of
2 18 research at Iowa State University, including:
2 19 development of hybrid seed corn in the 1920s;
2 20 pioneering work on soybean oil extraction and
2 21 producing ethanol from corn and other plant materials
2 22 by Professor Orland Sweeney in the 1930s; invention of
2 23 the electronic digital computer in the late 1930s by
2 24 Professor John Atanasoff and graduate student Clifford
2 25 Berry, whose Atanasoff-Berry computer was the first to
2 26 incorporate the seven basic principles of modern
2 27 computing; development of modern livestock animal
2 28 genetics by Professor Jay Lush; development of a
2 29 digital encoding process that made the fax machine a
2 30 business office staple, by graduate student David



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House Resolution 140 - Introduced continued

3 1 Nicholas in 1971; and first field-testing of a
3 2 genetically altered woody plant in 1989 by Professor
3 3 Robert Thornburg; and
3 4 WHEREAS, Iowa State University hired one of the
3 5 nation's first permanent campus artists-in-residence,
3 6 with sculptor Christian Petersen holding that position
3 7 from 1934 to 1955; and
3 8 WHEREAS, Iowa State University has had a technology
3 9 transfer office since 1935, longer than all but one
3 10 other university in the nation, and is today
3 11 acknowledged as a national leader in putting
3 12 technology to work, being cited as a "model of
3 13 economic development" and "licensing powerhouse" in a
3 14 2007 study commissioned by the National Science
3 15 Foundation; and
3 16 WHEREAS, Iowa State University is today
3 17 spearheading new advances in science and technology,
3 18 including new materials, information sciences, green
3 19 architecture, biological research, and the development
3 20 of biorenewable fuels and other resources to support
3 21 the bioeconomy and the nation's independence from
3 22 nonrenewable petroleum resources; and
3 23 WHEREAS, more than 257,000 degrees have been
3 24 awarded by Iowa State University, and its graduates
3 25 include heads of state, leaders of industry, great
3 26 humanitarians, and gifted scientists, whose work has
3 27 improved the quality of life for people worldwide; NOW
3 28 THEREFORE,
3 29 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
3 30 That the House of Representatives congratulates Iowa



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House Resolution 140 - Introduced continued

4 1 State University of Science and Technology for 150
4 2 years of outstanding service to the State of Iowa, the
4 3 United States, and the world in fulfilling its mission
4 4 as a land=grant university, and thanks the State of
4 5 Iowa for its visionary leadership in the beginning of
4 6 the land=grant movement in the United States.
4 7 LSB 6639HH 82
4 8 jr/nh/14



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House Resolution 141 - Introduced

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO.
1 2 BY HOFFMAN and ROBERTS
1 3 A Resolution to recognize the 2008 annual Donna Reed
1 4 Festival for the Performing Arts.
1 5 WHEREAS, Donna Belle Mullenger was born on January
1 6 27, 1921, in Denison, Iowa; and
1 7 WHEREAS, still a teenager, she left Iowa to attend
1 8 Los Angeles City College, where she was named campus
1 9 queen, and her striking beauty drew the attention of
1 10 Hollywood producers; and
1 11 WHEREAS, taking the stage name of Donna Reed, she
1 12 rose to stardom in the 1946 classic "It's a Wonderful
1 13 Life" and the 1953 "From Here to Eternity", for which
1 14 she won the Oscar in 1954; and
1 15 WHEREAS, turning to the medium of television in
1 16 1958, Donna Reed won the hearts of millions of viewers
1 17 as the quintessential TV mom in the "Donna Reed Show";
1 18 and
1 19 WHEREAS, the year 2008 marks the 50th anniversary
1 20 of this popular 1950s TV show about a close family,
1 21 starring Donna Reed as a loving mother and homemaker;
1 22 and
1 23 WHEREAS, as a result of her outstanding performance
1 24 on that show, Donna Reed was nominated four times for
1 25 an Emmy award, and in 1963 received the Golden Globe
1 26 award for best female television star; and
1 27 WHEREAS, Donna Reed always remained an Iowan, often
1 28 returning home to visit family and friends and to
1 29 support local community projects; and
1 30 WHEREAS, with her passing in 1986, friends and



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House Resolution 141 - Introduced continued

2 1 family created the Donna Reed Foundation for the
2 2 Performing Arts, which awards scholarships to young
2 3 people studying the arts; and
2 4 WHEREAS, to honor her life, work, and memory the
2 5 Donna Reed Festival for the Performing Arts began in
2 6 1987, featuring student workshops by industry
2 7 professionals and a scholarship program centered in
2 8 Denison, Iowa; NOW THEREFORE,
2 9 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
2 10 That the House of Representatives recognizes the 2008
2 11 annual Donna Reed Festival for the Performing Arts,
2 12 held June 16 through 21, 2008, in Denison, and invites
2 13 all Iowans to make a visit to this annual event part
2 14 of their summer vacation plans.
2 15 LSB 6597HH 82
2 16 jr/nh/8.1



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House Resolution 142 - Introduced

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H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO.

1 2 BY JACOBY, ABDUL-SAMAD, BAILEY, BAUDLER, BELL,

1 3 BERRY, BUKTA, CHAMBERS, COHOON, DANDEKAR, DAVITT,

1 4 DRAKE, FOEGE, FORD, FORRISTALL, FREVERT, GASKILL,

1 5 GAYMAN, GIPP, GRANZOW, GREINER, HEATON, HOFFMAN,

1 6 HUNTER, HUSEMAN, HUSER, JACOBS, JOCHUM, KELLEY,

1 7 KRESSIG, KUHN, LENSING, LUKAN, LYKAM, MASCHER,

1 8 MAY, H. MILLER, OLDSO, D. OLSON, PALMER, PETERSEN,

1 9 QUIRK, REASONER, REICHERT, ROBERTS, SCHUELLER,

1 10 SMITH, SODERBERG, STAED, SWAIM, D. TAYLOR,

1 11 TOMENGA, UPMEYER, WATTS, WENDT, WENTHE, WHITAKER,

1 12 WHITEAD, WINCKLER, WISE, and ZIRKELBACH

1 13 A Resolution honoring the University of Iowa Hawkeye

1 14 wrestling team and Coach Tom Brands for winning the

1 15 2008 National Collegiate Athletic Association's

1 16 (NCAA) team championship.

1 17 WHEREAS, the 2008 NCAA championship is the 21st

1 18 national championship in the Hawkeye wrestling

1 19 program's storied history and the program's first

1 20 national championship since 2000; and

1 21 WHEREAS, the 2008 NCAA championship is Coach

1 22 Brands' first NCAA championship as head coach of the

1 23 Hawkeyes; and

1 24 WHEREAS, the Hawkeye wrestling team also posted a

1 25 21=1 overall record and ended the season with a

1 26 14=match winning streak; and

1 27 WHEREAS, the Hawkeye wrestling team finished the

1 28 Big Ten regular season undefeated and captured the

1 29 program's 32nd Big Ten Conference title; and

1 30 WHEREAS, seven Hawkeyes were named All-Americans,



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House Resolution 142 - Introduced continued

2 1 including Charlie Falck of Strawberry Point, Iowa, in
2 2 the 125-pound weight class; Joe Slaton of Cedar
2 3 Rapids, Iowa, who was the runner-up in the 133-pound
2 4 weight class; Brent Metcalf of Davison, Michigan, in
2 5 the 149-pound weight class; Mark Perry of Stillwater,
2 6 Oklahoma, in the 165-pound weight class; Jay Borschel
2 7 of Marion, Iowa, in the 174-pound weight class;
2 8 Phillip Keddy of Vernal, Utah, in the 184-pound weight
2 9 class; and Matt Fields of Lowden, Iowa, in the
2 10 heavyweight class; and
2 11 WHEREAS, the Hawkeyes, for the first time since
2 12 1999, crowned two individual NCAA champions: Brent
2 13 Metcalf, who finished the season with a record of 35=1
2 14 and was also named the most outstanding wrestler at
2 15 both the Big Ten and NCAA championships, and Mark
2 16 Perry, who captured his second consecutive individual
2 17 NCAA title; and
2 18 WHEREAS, Brent Metcalf was also named the recipient
2 19 of the Dan Hodge Trophy as the nation's most dominant
2 20 wrestler; and
2 21 WHEREAS, the University of Iowa dominated the NCAA
2 22 championships by tallying 117.5 team points; and
2 23 WHEREAS, Coach Brands was named the 2008 Big Ten
2 24 Coach of the Year and the 2008 National Wrestling
2 25 Coaches Association Coach of the Year; and
2 26 WHEREAS, Coach Brands has, throughout his career,
2 27 projected a positive image for Iowa and his
2 28 student-athletes; NOW THEREFORE,
2 29 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
2 30 That the House of Representatives honors the



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House Resolution 142 - Introduced continued

3 1 University of Iowa Hawkeye wrestling team and Coach
3 2 Brands for their 2008 NCAA wrestling championship and
3 3 the international honor and respect they have brought
3 4 to the State of Iowa; and
3 5 BE IT FURTHER RESOLVED, That, upon adoption, the
3 6 Chief Clerk of the House of Representatives shall
3 7 prepare an official copy of this Resolution for
3 8 presentation to Coach Brands and the University of
3 9 Iowa Hawkeye wrestling team.
3 10 LSB 6636HH 82
3 11 md/nh/24.1



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House Resolution 143 - Introduced

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H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO.

1 2 BY MASCHER, ABDUL-SAMAD, ALONS, ANDERSON,

1 3 ARNOLD, BAILEY, BAUDLER, BELL, BERRY, BUKTA,

1 4 CLUTE, COHOON, DANDEKAR, DAVITT, DE BOEF, DEYOE,

1 5 DOLECHECK, DRAKE, FOEGE, FORD, FORRISTALL,

1 6 FREVERT, GASKILL, GAYMAN, GIPP, GRANZOW,

1 7 GRASSLEY, GREINER, HEATON, HEDDENS, HOFFMAN,

1 8 HORBACH, HUNTER, HUSER, JACOBS, JACOBY, JOCHUM,

1 9 KAUFMANN, KELLEY, KRESSIG, KUHN, LENSING, LUKAN,

1 10 LYKAM, MAY, McCARTHY, MERTZ, H. MILLER,

1 11 L. MILLER, MURPHY, OLDSON, D. OLSON, R. OLSON,

1 12 S. OLSON, T. OLSON, PALMER, PAULSEN, PETERSEN,

1 13 PETTENGILL, QUIRK, RAECKER, RANTS, RASMUSSEN,

1 14 RAYHONS, REASONER, REICHERT, ROBERTS, SANDS,

1 15 SCHICKEL, SCHUELLER, SHOMSHOR, SMITH, SODERBERG,

1 16 STAED, STRUYK, SWAIM, D. TAYLOR, T. TAYLOR, THOMAS,

1 17 TJEPKES, TOMENGA, UPMEYER, VAN ENGELENHOVEN,

1 18 VAN FOSSEN, WATTS, WENDT, WENTHE, WESSEL-KROESCHELL,

1 19 WHITAKER, WHITEAD, WIENCEK, WINCKLER,

1 20 WINDSCHITL, WISE, WORTHAN, and ZIRKELBACH

1 21 A Resolution honoring Lisa Bluder, Head Coach of the

1 22 University of Iowa's Women's Basketball Team and 2008

1 23 Big Ten Coach of the Year.

1 24 WHEREAS, Lisa Bluder is an Iowa native and a

1 25 graduate of Linn-Mar High School in Marion and of the

1 26 University of Northern Iowa, where she earned a

1 27 bachelor's degree in marketing in 1983; and

1 28 WHEREAS, Coach Bluder was named Missouri Valley

1 29 Coach of the Year three times, in 1995, 1997, and

1 30 1998, while coaching the women's basketball team at



**Iowa General Assembly
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House Resolution 143 - Introduced continued

2 1 Drake University; and
2 2 WHEREAS, Lisa Bluder is one of the most respected
2 3 and admired coaches in women's collegiate basketball,
2 4 with an overall record of 504=239 (.679) and 148=97
2 5 (.605) in eight seasons at the University of Iowa; and
2 6 WHEREAS, in her first season with the Black and
2 7 Gold, Ms. Bluder transformed a struggling program into
2 8 a 21=game winner, leading her Hawkeyes to tie for
2 9 second place in the Big Ten and win the Big Ten
2 10 Tournament title in 2001; and
2 11 WHEREAS, Virginia and USA Basketball Head Coach
2 12 Debbie Ryan chose Bluder as an assistant coach to help
2 13 guide Team USA at the 2001 World University Games in
2 14 Beijing, China; and
2 15 WHEREAS, Team USA marched into the gold medal game
2 16 against host team China and won 87=69 and finished the
2 17 2001 World University Games with a 7=1 mark; and
2 18 WHEREAS, Coach Bluder has guided Iowa to five
2 19 upper=division finishes in the Big Ten Conference,
2 20 including winning a share of the league title with
2 21 Ohio State in 2008, and her teams have ranked in the
2 22 top five in Big Ten scoring and assists all eight
2 23 seasons; and
2 24 WHEREAS, student athletes who have played under
2 25 Lisa Bluder have a 100 percent job placement rate
2 26 following their collegiate careers; and
2 27 WHEREAS, all of Coach Bluder's recruited student
2 28 athletes have earned their degrees and three former
2 29 players have become coaches == Randi Peterson as head
2 30 coach at Coe College and Cara Consuegra and Jennie



Iowa General Assembly
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House Resolution 143 - Introduced continued

3 1 Lillis as assistant coaches at Marquette University;
3 2 and
3 3 WHEREAS, Coach Bluder won career game number 500 on
3 4 February 10, 2008, at Penn State, becoming the 35th
3 5 Division I coach to accomplish the feat; and
3 6 WHEREAS, Lisa Bluder is the second most winning
3 7 women's basketball coach at Iowa, behind the
3 8 exceptional Women's Basketball Hall of Fame member C.
3 9 Vivian Stringer; and
3 10 WHEREAS, the 2008 Big Ten Coach of the Year honor
3 11 is Coach Bluder's second at Iowa, the first coming in
3 12 2001, and it is her fifth Big Ten Coach of the Year
3 13 honor overall; NOW THEREFORE,
3 14 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
3 15 That the House of Representatives congratulates Head
3 16 Coach Lisa Bluder for being named 2008 Big Ten Coach
3 17 of the Year and leading the Hawkeyes to another
3 18 successful season, thanks Coach Bluder for bringing
3 19 honor to the University of Iowa and the State of Iowa,
3 20 and wishes Coach Bluder the very best in all her
3 21 future endeavors; and
3 22 BE IT FURTHER RESOLVED, That, upon adoption, an
3 23 official copy of this Resolution be prepared for
3 24 presentation to University of Iowa Women's Basketball
3 25 Head Coach Lisa Bluder.
3 26 LSB 6615HH 82
3 27 kh/rj/14



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 02, 2008

House Resolution 144 - Introduced

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO.
1 2 BY MURPHY, HEDDENS and UPMEYER
1 3 A Resolution to honor Tyler Joseph Steinke as the youngest
1 4 Global Messenger for Special Olympics Iowa.
1 5 WHEREAS, Global Messengers are Special Olympics
1 6 athletes who help spread the message and vision of the
1 7 movement as well as the benefits they have gained by
1 8 participating in Special Olympics; and
1 9 WHEREAS, every year, 10 to 12 athletes are selected
1 10 to train and serve as Iowa Global Messengers,
1 11 representing the Special Olympics Iowa movement; and
1 12 WHEREAS, at the age of 10, Tyler Steinke became the
1 13 youngest Global Messenger in Iowa for Special
1 14 Olympics; and
1 15 WHEREAS, this achievement is even more remarkable
1 16 because at the age of two, doctors stated that Tyler
1 17 would never walk or talk; and
1 18 WHEREAS, today Tyler is a fourth grade student at
1 19 Valerius Elementary School in Urbandale, Iowa; and
1 20 WHEREAS, Tyler has been involved with Special
1 21 Olympics Iowa for two years and has won a silver medal
1 22 in the 50-meter dash, and has recently won a gold
1 23 medal in basketball skills at the mid-winter games in
1 24 Iowa City; NOW THEREFORE,
1 25 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
1 26 That the House of Representatives congratulates Tyler
1 27 Joseph Steinke in his new role as Global Messenger for
1 28 Special Olympics Iowa and honors his remarkable
1 29 spirit, determination, and hard work to overcome his
1 30 challenges and become a Special Olympics athlete.



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House Resolution 144 - Introduced continued

2 1 LSB 6633HH 82
2 2 jr/nh/24



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Senate Amendment 5256

PAG LIN

1 1 Amend House File 2651, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 9, line 15, by inserting after the word
1 4 <facility> the following: <listed in section
1 5 904.102>.
1 6 #2. Page 9, by striking lines 22 through 25 and
1 7 inserting the following:
1 8 <2. However, any person under age eighteen who is
1 9 required to attend the courses for violation of
1 10 section 321J.2 or 321J.17 must attend a course offered
1 11 by a substance abuse treatment program licensed under
1 12 chapter 125.>
1 13 #3. Page 9, line 32, by striking the words
1 14 <colleges and> and inserting the following:
1 15 <colleges, ~~and~~>.
1 16 #4. Page 9, line 33, by inserting after the figure
1 17 <125> the following: <, the department of public
1 18 health, and the department of corrections>.
1 19 #5. By renumbering as necessary.
1 20
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1 23 JEFF DANIELSON
1 24 HF 2651.713 82
1 25 dea/nh/21058
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Senate Amendment 5257

PAG LIN

1 1 Amend House File 2390, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 1, line 25, by striking the words and
1 4 figures <subsections 1 and 2, are> and inserting the
1 5 following: <subsection 1, is>.
1 6 #2. By striking page 1, line 35, through page 2,
1 7 line 10.
1 8
1 9
1 10
1 11 DENNIS H. BLACK
1 12 HF 2390.301 82
1 13 jr/rj/20935
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Iowa General Assembly
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Senate Amendment 5258

PAG LIN

1 1 Amend House File 2651, as amended, passed, and
 1 2 reprinted by the House, as follows:
 1 3 #1. Page 9, line 15, by inserting after the word
 1 4 <facility> the following: <listed in section
 1 5 904.102>.
 1 6 #2. Page 9, by striking lines 22 through 25 and
 1 7 inserting the following: <2. However, any person
 1 8 under age eighteen who is required to attend the
 1 9 courses for violation of section 321J.2 or 321J.17
 1 10 must attend a course offered by a substance abuse
 1 11 treatment program licensed under chapter 125.>
 1 12 #3. Page 9, line 32, by striking the words
 1 13 <colleges and> and inserting the following:
 1 14 <colleges, and>.
 1 15 #4. Page 9, line 33, by inserting after the figure
 1 16 <125> the following: <, the department of public
 1 17 health, and the department of corrections>.
 1 18 #5. By renumbering as necessary.
 1 19
 1 20
 1 21
 1 22 JEFF DANIELSON
 1 23 HF 2651.511 82
 1 24 dea/nh/12268
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Senate Amendment 5259

PAG LIN

1 1 Amend House File 2651, as amended, passed, and
 1 2 reprinted by the House, as follows:
 1 3 #1. Page 6, line 13, by striking the word and
 1 4 figure: <subsection 1,>.
 1 5 #2. Page 6, by inserting after line 14 the
 1 6 following:
 1 7 <321E.8A SELF=PROPELLED IMPLEMENT OF HUSBANDRY ==
 1 8 ANNUAL PERMIT.>
 1 9 #3. Page 6, line 22, by striking the words <in a
 1 10 county> and inserting the following: <in a county>.
 1 11 #4. Page 6, line 23, by striking the words <for
 1 12 travel within the county> and inserting the following:
 1 13 <for travel within the county>.
 1 14 #5. Page 6, line 24, by striking the word <Prior>
 1 15 and inserting the following: <Prior>.
 1 16 #6. Page 6, by striking lines 25 through 35 and
 1 17 inserting the following: <to issuing a permit, the
~~1 18 department shall collect a fee of six hundred dollars~~
~~1 19 for each county in which the vehicle will be operated~~
~~1 20 during the period of the permit beginning July 1 and~~
~~1 21 ending June 30, provided that a permit shall not be~~
~~1 22 issued for a vehicle for operation in more than ten~~
~~1 23 counties and the total amount of fees collected for a~~
~~1 24 vehicle for the period of the permit shall not exceed~~
~~1 25 three thousand five hundred dollars. Moneys collected~~
~~1 26 by the department on behalf of the counties in which~~
~~1 27 the vehicle will be operated shall be allotted equally~~
~~1 28 to those counties and deposited in the secondary road~~
~~1 29 funds of those counties. A vehicle for which a>.~~
 1 30 #7. Page 7, by striking lines 11 and 12 and
 1 31 inserting the following: <1, 2007, may be renewed for
 1 32 that vehicle annually upon payment of the appropriate
~~1 33 county fees.~~
 1 34 2. A vehicle described in subsection 1 shall not
 1 35 be operated on a highway without a permit issued under
 1 36 this section. ~~The owner of a vehicle that is operated~~
~~1 37 in violation of section 321E.7, subsection 4, or this~~
~~1 38 section is subject to a civil penalty of ten thousand~~
~~1 39 dollars, in addition to any other penalties that may~~
~~1 40 apply.>~~
 1 41 #8. By renumbering as necessary.
 1 42
 1 43
 1 44
 1 45 DAVID JOHNSON
 1 46 HF 2651.510 82
 1 47 dea/nh/21062
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Senate Amendment 5260

PAG LIN

1 1 Amend the House amendment, S=5244, to Senate File
 1 2 2089, as passed by the Senate, as follows:
 1 3 #1. Page 1, by inserting after line 2, the
 1 4 following:
 1 5 <#____. Page 1, by inserting before line 1 the
 1 6 following:
 1 7 <Sec. _____. Section 49.77, subsection 4, paragraph
 1 8 b, Code Supplement 2007, is amended to read as
 1 9 follows:
 1 10 b. If the voter informs the precinct election
 1 11 official that the voter resides in the precinct and is
 1 12 not registered to vote, the voter may register to vote
 1 13 pursuant to section 48A.7A and cast a ballot. ~~If such~~
~~1 14 a voter is unable to establish identity and residency~~
~~1 15 in the manner provided in section 48A.7A, subsection~~
~~1 16 1, paragraph "b" or "c", the voter shall be allowed to~~
~~1 17 cast a provisional ballot in the manner prescribed by~~
 1 18 section 49.81.>>
 1 19 #2. By renumbering as necessary.
 1 20
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 1 22
 1 23 JAMES F. HAHN
 1 24 SF 2089.204 82
 1 25 sc/nh/11090

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Senate Amendment 5261

PAG LIN

1 1 Amend House File 2628, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 1, by striking lines 19 and 20 and
1 4 inserting the following: <a person.>
1 5
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1 7
1 8 KEITH A. KREIMAN
1 9 HF 2628.503 82
1 10 rh/rj/21063
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Senate Amendment 5262

PAG LIN

1 1 Amend House File 2651, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 1, by inserting before line 1 the
1 4 following:
1 5 <Section 1. NEW SECTION. 306.47 UTILITY
1 6 FACILITIES RELOCATION POLICY.
1 7 It is the policy of the general assembly that a
1 8 proactive, cooperative coordination between the
1 9 department, local governments, private and public
1 10 utility companies, and other affected parties is the
1 11 most effective way to minimize costs, eliminate the
1 12 need for utilities to relocate facilities, limit
1 13 disruption of utility services related to federal,
1 14 state, or local highway construction projects, and
1 15 limit the potential need for relocation of utility
1 16 facilities.
1 17 All potentially affected parties shall be included
1 18 in development meetings at the design phase of a
1 19 highway construction project to review plans,
1 20 understand goals and objectives of the proposed
1 21 project, and discuss options that would limit the
1 22 impact of the construction on utility facilities and
1 23 thereby minimize or even eliminate costs associated
1 24 with utility facility relocation. All jurisdictions
1 25 and other interested parties shall cooperate to
1 26 discuss strategies and policies to utilize the Iowa
1 27 one call system in the development of a highway
1 28 construction project.>
1 29 #2. Title page, line 5, by inserting after the
1 30 word <concerning> the following: <utility facility
1 31 relocation due to highway construction,>.
1 32 #3. By renumbering as necessary.
1 33
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1 35
1 36 JEFF DANIELSON
1 37 HF 2651.207 82
1 38 dea/nh/12269

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Senate Amendment 5263

PAG LIN

1 1 Amend House File 2164, as passed by the House, as
1 2 follows:
1 3 #1. Page 1, by inserting before line 1 the
1 4 following:
1 5 <Section 1. Section 282.18, subsection 2,
1 6 unnumbered paragraph 2, Code 2007, is amended to read
1 7 as follows:
1 8 The board of the receiving district shall enroll
1 9 the pupil in a school in the receiving district for
1 10 the following school year unless the receiving
1 11 district does not have classroom space for the pupil.
1 12 However, the board of the receiving district shall not
1 13 adjust or redraw existing school boundaries to
1 14 accommodate requests for open enrollment. The board
1 15 of directors of a receiving district may adopt a
1 16 policy granting the superintendent of the school
1 17 district authority to approve open enrollment
1 18 applications. If the request is granted, the board
1 19 shall transmit a copy of the form to the parent or
1 20 guardian and the school district of residence within
1 21 five days after board action, but not later than June
1 22 1 of the preceding school year. The parent or
1 23 guardian may withdraw the request at any time prior to
1 24 the start of the school year. A denial of a request
1 25 by the board of a receiving district is not subject to
1 26 appeal.>
1 27 #2. Title page, line 2, by inserting after the
1 28 word <plans> the following: <and school boundary
1 29 changes>.
1 30 #3. By renumbering as necessary.
1 31
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1 34 JEFF DANIELSON
1 35 HF 2164.302 82
1 36 kh/rj/12193

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Senate Amendment 5264

PAG LIN

1 1 Amend House File 2411, as passed by the House, as
1 2 follows:

1 3 #1. Page 1, by striking lines 8 through 10 and
1 4 inserting the following: <January 1, 2003, for a
1 5 duration of at least five continuous years, may be
1 6 granted a class B>.

1 7 #2. Page 1, by striking lines 26 through 28 and
1 8 inserting the following: <electrician since 1990
1 9 January 1, 2003, for a duration of at least five
1 10 continuous years, may>.

1 11

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1 13

1 14 STEVE KETTERING

1 15 HF 2411.201 82

1 16 rn/rj/21067

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Senate Amendment 5265

PAG LIN

1 1 Amend House File 2556, as passed by the House, as
1 2 follows:
1 3 #1. Page 10, by striking lines 14 through 17 and
1 4 inserting the following:
1 5 <a. "Lender" means a person who makes or
1 6 originates a loan; a person who is identified as a
1 7 lender on the loan documents; or a person who
1 8 arranges, negotiates, or brokers a loan; and who also
1 9 provides any goods or services as an incident to or>.
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1 13 STEVE WARNSTADT
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1 16
1 17 STEVE KETTERING
1 18 HF 2556.701 82
1 19 rn/nh/21074
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Senate Amendment 5266

PAG LIN

1 1 Amend House File 2384, as passed by the House, as
1 2 follows:
1 3 #1. Page 2, by inserting after line 4 the
1 4 following:
1 5 <Sec. _____. Section 533.301, subsection 25, Code
1 6 Supplement 2007, is amended to read as follows:
1 7 25. Engage in any activity ~~authorized by the~~
~~1 8 superintendent~~ which would be permitted if the state
1 9 credit union were federally chartered ~~and which is~~
~~1 10 consistent with state law, unless prohibited by the~~
1 11 superintendent.>
1 12 #2. Title page, by striking lines 1 and 2 and
1 13 inserting the following: <An Act relating to the
1 14 operation of credit unions, providing for
1 15 modifications regarding the deposit of public funds
1 16 with corporate credit unions and regarding specified
1 17 powers of state credit unions.>
1 18 #3. By renumbering as necessary.
1 19
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1 21
1 22 JEFF DANIELSON
1 23 HF 2384.702 82
1 24 rn/rj/11952
1 25
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Iowa General Assembly
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Senate File 2407 - Introduced

SENATE FILE
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SSB 3292)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved

A BILL FOR

- 1 An Act relating to the repeal of the wage=benefit tax credit
- 2 program and making an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4 TLSB 6619SV 82
- 5 mg/rj/14



Iowa General Assembly
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Senate File 2407 - Introduced continued

PAG LIN

1 1 Section 1. Section 15.335A, subsection 2, paragraphs b and
1 2 c, Code 2007, are amended by striking the paragraphs and
1 3 inserting in lieu thereof the following:

1 4 b. "Average county wage" means the annualized, average
1 5 hourly wage based on wage information compiled by the
1 6 department of workforce development.

1 7 c. "Benefits" means all of the following:

1 8 (1) Medical and dental insurance plans. If an employer
1 9 offers medical insurance under both single and family coverage
1 10 plans, the employer shall be given credit for providing
1 11 medical insurance under family coverage plans to all new
1 12 employees.

1 13 (2) Pension and profit sharing plans.

1 14 (3) Child care services.

1 15 (4) Life insurance coverage.

1 16 (5) Other benefits identified by rule of the department of
1 17 revenue.

1 18 Sec. 2. Section 15.336, Code 2007, is amended to read as
1 19 follows:

1 20 15.336 OTHER INCENTIVES.

1 21 An eligible business may receive other applicable federal,
1 22 state, and local incentives and credits in addition to those
1 23 provided in this part. ~~However, a business which participates~~
~~1 24 in the program under this part shall not receive any~~
~~1 25 wage-benefits tax credits under chapter 15I.~~

1 26 Sec. 3. Section 15G.112, subsection 1, Code 2007, is
1 27 amended to read as follows:

1 28 1. In order to receive financial assistance from the
1 29 department from moneys appropriated from the grow Iowa values
1 30 fund, the average annual wage, including benefits, of new jobs
1 31 created must be equal to or greater than one hundred thirty
1 32 percent of the average county wage. For purposes of this
1 33 section, "average county wage" and "benefits" mean the same as
1 34 defined in section ~~15I.1~~ 15.335A.

1 35 Sec. 4. Section 422.33, subsection 18, Code Supplement



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Senate File 2408 - Introduced

SENATE FILE
BY COMMITTEE ON WAYS AND
MEANS

(SUCCESSOR TO SSB 3126)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to the policy administration of the tax and
2 related laws by the department of revenue, including
3 administration of income, inheritance, and sales and use
4 taxes, and including a retroactive applicability date
5 provision.

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

7 TLSB 5475SV 82

8 mg/sc/5



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Senate File 2408 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 TAX ADMINISTRATION
1 3 Section 1. Section 99B.10B, subsection 2, Code Supplement
1 4 2007, is amended to read as follows:
1 5 2. a. The department shall revoke a registration issued
1 6 pursuant to section 99B.10 or 99B.10A, for a period of ten
1 7 years if a person commits an offense of awarding a cash prize
1 8 in violation of section 99B.10, subsection 1, paragraph "b",
1 9 pursuant to rules adopted by the department. A person whose
1 10 registration is revoked under this subsection who is a person
1 11 for which a class "A", class "B", class "C", special class
1 12 "C", or class "D" liquor control license has been issued
1 13 pursuant to chapter 123 shall have the person's liquor control
1 14 license suspended for a period of fourteen days in the same
1 15 manner as provided in section 123.50, subsection 3, paragraph
1 16 "a". A person whose registration is revoked under this
1 17 subsection who is a person for which only a class "B" or class
1 18 "C" beer permit has been issued pursuant to chapter 123 shall
1 19 have the person's class "B" or class "C" beer permit suspended
1 20 ~~and that person's sales tax permit suspended~~ for a period of
1 21 fourteen days in the same manner as provided in section
1 22 123.50, subsection 3, paragraph "a".
1 23 b. If a person owning or employed by an establishment
1 24 having a class "A", class "B", class "C", special class "C",
1 25 or class "D" liquor control license issued pursuant to chapter
1 26 123 commits an offense of awarding a cash prize in violation
1 27 of section 99B.10, subsection 1, paragraph "b", pursuant to
1 28 rules adopted by the department, the liquor control license of
1 29 the establishment shall be suspended for a period of fourteen
1 30 days in the same manner as provided in section 123.50,
1 31 subsection 3, paragraph "a". If a person owning or employed
1 32 by an establishment having a class "B" or class "C" beer
1 33 permit issued pursuant to chapter 123 awards a cash prize in
1 34 violation of section 99B.10, subsection 1, paragraph "b",
1 35 pursuant to rules adopted by the department, the beer permit



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Senate File 2408 - Introduced continued

2 1 of the establishment ~~and the establishment's sales tax permit~~
2 2 shall be suspended for a period of fourteen days in the same
2 3 manner as provided in section 123.50, subsection 3, paragraph
2 4 "a".

2 5 Sec. 2. Section 99B.14, subsection 1, Code 2007, is
2 6 amended to read as follows:

2 7 1. The department may deny, suspend, or revoke a license
2 8 if the department finds that an applicant, licensee, or an
2 9 agent of the licensee violated or permitted a violation of a
2 10 provision of this chapter or a departmental rule adopted
2 11 pursuant to chapter 17A, or for any other cause for which the
2 12 director of the department would be or would have been
2 13 justified in refusing to issue a license, or upon the
2 14 conviction of a person of a violation of this chapter or a
2 15 rule adopted under this chapter which occurred on the licensed
2 16 premises. However, the denial, suspension, or revocation of
2 17 one type of gambling license does not require, but may result
2 18 in, the denial, suspension, or revocation of a different type
2 19 of gambling license held by the same licensee. In addition, a
2 20 person whose license is revoked under this section who is a
2 21 person for which a class "A", class "B", class "C", or class
2 22 "D" liquor control license has been issued pursuant to chapter
2 23 123 shall have the person's liquor control license suspended
2 24 for a period of fourteen days in the same manner as provided
2 25 in section 123.50, subsection 3, paragraph "a". In addition,
2 26 a person whose license is revoked under this section who is a
2 27 person for which only a class "B" or class "C" beer permit has
2 28 been issued pursuant to chapter 123 shall have the person's
2 29 class "B" or class "C" beer permit suspended ~~and that person's~~
~~2 30 sales tax permit suspended~~ for a period of fourteen days in
2 31 the same manner as provided in section 123.50, subsection 3,
2 32 paragraph "a".

2 33 Sec. 3. Section 331.434, subsection 1, Code Supplement
2 34 2007, is amended to read as follows:

2 35 1. The budget shall show the amount required for each



Iowa General Assembly
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Senate File 2408 - Introduced continued

3 1 class of proposed expenditures, a comparison of the amounts
3 2 proposed to be expended with the amounts expended for like
3 3 purposes for the two preceding years, the revenues from
3 4 sources other than property taxation, and the amount to be
3 5 raised by property taxation, in the detail and form prescribed
3 6 by the director of the department of management. For each
3 7 county that has established an urban renewal area, the budget
3 8 shall include estimated and actual tax increment financing
3 9 revenues and all estimated and actual expenditures of the
3 10 revenues, proceeds from debt and all estimated and actual
3 11 expenditures of the debt proceeds, and identification of any
3 12 entity receiving a direct payment of taxes funded by tax
3 13 increment financing revenues and shall include the total
3 14 amount of loans, advances, indebtedness, or bonds outstanding
3 15 at the close of the most recently ended fiscal year, which
3 16 qualify for payment from the special fund created in section
3 17 403.19, including interest negotiated on such loans, advances,
3 18 indebtedness, or bonds. For purposes of this subsection,
3 19 "indebtedness" includes written agreements whereby the county
3 20 agrees to suspend, abate, exempt, rebate, refund, or reimburse
3 21 property taxes, provide a grant for property taxes paid, or
3 22 make a direct payment of taxes, with moneys in the special
3 23 fund. The amount of loans, advances, indebtedness, or bonds
3 24 shall be listed in the aggregate for each county reporting.
3 25 ~~The county finance committee, in consultation with the~~
~~3 26 department of management and the legislative services agency,~~
~~3 27 shall determine reporting criteria and shall prepare a form~~
~~3 28 for reports filed with the department pursuant to this~~
~~3 29 section. The department shall make the information available~~
~~3 30 by electronic means.~~
3 31 Sec. 4. Section 384.16, subsection 1, unnumbered paragraph
3 32 2, Code Supplement 2007, is amended to read as follows:
3 33 A budget must show comparisons between the estimated
3 34 expenditures in each program in the following year, the latest
3 35 estimated expenditures in each program in the current year,



Iowa General Assembly
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Senate File 2408 - Introduced continued

4 1 and the actual expenditures in each program from the annual
4 2 report as provided in section 384.22, or as corrected by a
4 3 subsequent audit report. Wherever practicable, as provided in
4 4 rules of the committee, a budget must show comparisons between
4 5 the levels of service provided by each program as estimated
4 6 for the following year, and actual levels of service provided
4 7 by each program during the two preceding years. For each city
4 8 that has established an urban renewal area, the budget shall
4 9 include estimated and actual tax increment financing revenues
4 10 and all estimated and actual expenditures of the revenues,
4 11 proceeds from debt and all estimated and actual expenditures
4 12 of the debt proceeds, and identification of any entity
4 13 receiving a direct payment of taxes funded by tax increment
4 14 financing revenues and shall include the total amount of
4 15 loans, advances, indebtedness, or bonds outstanding at the
4 16 close of the most recently ended fiscal year, which qualify
4 17 for payment from the special fund created in section 403.19,
4 18 including interest negotiated on such loans, advances,
4 19 indebtedness, or bonds. For purposes of this subsection,
4 20 "indebtedness" includes written agreements whereby the city
4 21 agrees to suspend, abate, exempt, rebate, refund, or reimburse
4 22 property taxes, provide a grant for property taxes paid, or
4 23 make a direct payment of taxes, with moneys in the special
4 24 fund. The amount of loans, advances, indebtedness, or bonds
4 25 shall be listed in the aggregate for each city reporting. ~~The~~
~~4 26 city finance committee, in consultation with the department of~~
~~4 27 management and the legislative services agency, shall~~
~~4 28 determine reporting criteria and shall prepare a form for~~
~~4 29 reports filed with the department pursuant to this section.~~
~~4 30 The department shall make the information available by~~
~~4 31 electronic means.~~

4 32 Sec. 5. Section 421.17, Code 2007, is amended by adding
4 33 the following new subsection:
4 34 NEW SUBSECTION. 30. If a natural disaster is declared by
4 35 the governor in any area of the state, the director may extend



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Senate File 2408 - Introduced continued

5 1 for a period of up to one year the due date for the filing of
5 2 any tax return and may suspend any associated penalty or
5 3 interest that would accrue during that period of time for any
5 4 affected taxpayer whose principal residence or business is
5 5 located in the covered area if the director determines it
5 6 necessary for the efficient administration of the tax laws of
5 7 this state.

5 8 Sec. 6. Section 421.60, subsection 8, Code 2007, is
5 9 amended to read as follows:

5 10 8. REFUND OF UNTIMELY ASSESSED TAXES. Notwithstanding any
5 11 other refund statute, if it appears that an amount of tax,
5 12 penalty, or interest has been paid to the department after the
5 13 expiration of the statute of limitations for the department to
5 14 determine and assess or collect the amount of such tax due,
5 15 then the amount paid shall be credited against another tax
5 16 liability of the taxpayer which is outstanding, if the statute
5 17 of limitations for assessment or collection of that other tax
5 18 has not expired or the amount paid shall be refunded to the
5 19 person or, with the person's approval, credited to tax to
5 20 become due. An application for refund or credit under this
5 21 subsection must be filed within one year of payment. This
5 22 subsection shall not be construed to prohibit the department
5 23 from offsetting the refund claim against any tax due, if the
5 24 statute of limitations for that other tax has not expired.
5 25 However, any tax, penalty, or interest due for which a notice
5 26 of assessment was not issued by the department but which was
5 27 voluntarily paid by a taxpayer after the expiration of the
5 28 statute of limitations for assessment shall not be refunded.

5 29 DIVISION II

5 30 INCOME TAX

5 31 Sec. 7. Section 422.24A, Code 2007, is repealed.

5 32 Sec. 8. RETROACTIVE APPLICABILITY DATE. The section of
5 33 this division of this Act repealing section 422.24A applies
5 34 retroactively to January 1, 2008, for tax years beginning on
5 35 or after that date.



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6 1 DIVISION III
6 2 INHERITANCE TAX
6 3 Sec. 9. Section 12D.9, Code 2007, is amended by adding the
6 4 following new subsection:
6 5 NEW SUBSECTION. 3. State inheritance tax treatment of
6 6 interests in Iowa educational savings plans shall be as
6 7 provided in section 450.4, subsection 10. This subsection
6 8 shall apply to all Iowa educational savings plans existing on
6 9 or after July 1, 1998.
6 10 Sec. 10. Section 450.4, Code Supplement 2007, is amended
6 11 by adding the following new subsection:
6 12 NEW SUBSECTION. 10. On the value of any interest in a
6 13 qualified tuition plan, as defined in section 529 of the
6 14 Internal Revenue Code, to the same extent to which the value
6 15 is excluded from the decedent's gross estate for federal
6 16 estate tax purposes. This subsection shall apply to all
6 17 qualified tuition plans that are in existence on or after July
6 18 1, 1998.
6 19 EXPLANATION
6 20 DIVISION I == TAX ADMINISTRATION. Code sections 99B.10B
6 21 and 99B.14 are amended to remove the authorization of the
6 22 department of inspections and appeals to suspend a person's
6 23 sales tax permit for a violation of Code chapter 99B, relating
6 24 to games of skill or chance and raffles.
6 25 Code sections 331.434 and 384.16 are amended by eliminating
6 26 the requirement for the county finance and city finance
6 27 committees to determine the budget and indebtedness reporting
6 28 criteria and the forms to be used for such reporting.
6 29 Code section 421.17 is amended by adding new subsection 30
6 30 to permit the director to extend the period of time for filing
6 31 tax returns and to suspend any penalty or interest associated
6 32 with those returns for taxpayers residing in an area declared
6 33 as a disaster area by the governor.
6 34 Code section 421.60, subsection 8, is amended to provide
6 35 that any tax, penalty, or interest due which was voluntarily



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7 1 paid by a taxpayer after the expiration of the statute of
7 2 limitations for assessment, and a notice of assessment was not
7 3 issued by the department, shall not be refunded.
7 4 DIVISION II == INCOME TAX. Code section 422.24A is
7 5 repealed. This section provides for a start-up business tax
7 6 deferment whereby taxable income for the first three years
7 7 that an eligible business is in operation can be deferred.
7 8 Since this provision was enacted in 2002, no businesses have
7 9 applied for this deferral. This provision applies
7 10 retroactively to January 1, 2008, for tax years beginning on
7 11 or after that date.
7 12 DIVISION III == INHERITANCE TAX. Code sections 12D.9 and
7 13 450.4 are amended to exempt from the state inheritance tax the
7 14 value of any interest in an Iowa educational savings plan and
7 15 other section 529 of the Internal Revenue Code plans. The
7 16 exemptions apply to such plans in existence on or after July
7 17 1, 1998.
7 18 LSB 5475SV 82
7 19 mg/sc/5



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Senate File 2409 - Introduced

SENATE FILE
BY COMMITTEE ON WAYS AND
MEANS

(SUCCESSOR TO SSB 3275)

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

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act relating to providing information to certain households
2 about the availability of volunteer or free income tax
3 assistance programs and the federal and state earned income
4 tax credits.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 6067SV 82
7 mg/sc/5



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1 1 Section 1. NEW SECTION. 217.47 DISTRIBUTION OF EARNED
1 2 INCOME TAX CREDIT INFORMATION.
1 3 1. The department shall ensure that educational materials
1 4 relating to the federal and state earned income tax credits
1 5 are provided in accordance with this section to each household
1 6 receiving assistance or benefits under:
1 7 a. The hawk=i program under chapter 514I.
1 8 b. The family investment program under chapter 239B.
1 9 c. The medical assistance Act under chapter 249A.
1 10 d. The food programs defined in section 234.1 which are
1 11 administered by the department.
1 12 e. Any other appropriate programs administered by, or
1 13 under the oversight, of the department of human services.
1 14 2. The department shall, by mail or through the internet,
1 15 provide a household described in subsection 1 with access to:
1 16 a. Internal revenue service publications relating to the
1 17 federal earned income tax credit.
1 18 b. Department of revenue publications relating to the
1 19 state earned income tax credit.
1 20 c. Information prepared by tax preparers who provide
1 21 volunteer or free federal or state income tax preparation
1 22 services to low=income and other eligible persons and who are
1 23 located in close geographic proximity to the person.
1 24 3. In January of each year, the department or a
1 25 representative of the department shall mail to each household
1 26 described in subsection 1 information about the federal and
1 27 state earned income tax credit that provides the household
1 28 with referrals to the resources described in subsection 2.
1 29 4. The mailings required by the department under this
1 30 section do not have to be made as a separate mailing but may
1 31 be included in existing mailings being made to the appropriate
1 32 households.
1 33 Sec. 2. Section 252B.5, Code Supplement 2007, is amended
1 34 by adding the following new subsection:
1 35 NEW SUBSECTION. 4A. a. In order to maximize the amount



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2 1 of any tax refund to which an obligor may be entitled and
2 2 which may be applied to child support and medical support
2 3 obligations, cooperate with any volunteer or free income tax
2 4 assistance programs in the state in informing obligors of the
2 5 availability of the programs.

2 6 b. The child support recovery unit shall publicize the
2 7 services of the volunteer or free income tax assistance
2 8 programs by distributing printed materials regarding the
2 9 programs.

2 10 EXPLANATION

2 11 This bill relates to income tax assistance to be provided
2 12 by the department of human services.

2 13 The bill directs the department to provide to certain
2 14 households materials and publications related to the federal
2 15 and state earned income tax credits. These households are
2 16 those in the child health (hawk=i) program, the family
2 17 assistance program, the medical assistance programs, the food
2 18 stamp program, and other appropriate programs administered or
2 19 overseen by the department. The publications or materials
2 20 provided would be those from the internal revenue service, the
2 21 department of revenue, and tax preparers that provide services
2 22 to low-income and other eligible persons.

2 23 The bill also requires the child support recovery unit to
2 24 assist obligors of child support and medical support
2 25 obligations to maximize their tax refunds by publicizing the
2 26 services of volunteer or free income tax assistance programs
2 27 and by distributing materials regarding the programs.

2 28 LSB 6067SV 82

2 29 mg/sc/5



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Senate File 2410 - Introduced

SENATE FILE
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 2315)
(SUCCESSOR TO SF 2195)

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

A BILL FOR

- 1 An Act relating to the property tax exemption for speculative
- 2 shell buildings and including effective and retroactive
- 3 applicability date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5 TLSB 5858SZ 82
- 6 sc/nh/8



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1 1 Section 1. Section 427.1, subsection 27, Code Supplement
1 2 2007, is amended to read as follows:
1 3 27. a. SPECULATIVE SHELL BUILDINGS OF CERTAIN
1 4 ORGANIZATIONS. New construction of shell buildings by
1 5 community development organizations, not-for-profit
1 6 cooperative associations under chapter 499, or for-profit
1 7 entities for speculative purposes ~~or the portion of the value~~
~~1 8 added to buildings being reconstructed or renovated by~~
~~1 9 community development organizations, not-for-profit~~
~~1 10 cooperative associations under chapter 499, or for-profit~~
~~1 11 entities in order to become speculative shell buildings as~~
1 12 provided in this subsection.
1 13 b. The exemption shall be for one of the following:
1 14 (1) The value added by new construction of a shell
1 15 building or addition to an existing building or structure by a
1 16 community development organization, not-for-profit cooperative
1 17 association under chapter 499, or for-profit entity.
1 18 (2) The value of an existing building being reconstructed
1 19 or renovated, and the value of the land on which the building
1 20 is located, if the reconstruction or renovation constitutes
1 21 complete replacement or refitting of the existing building or
1 22 structure, by a community development organization,
1 23 not-for-profit cooperative association under chapter 499, or
1 24 for-profit entity.
1 25 c. The exemption or partial exemption shall be allowed
1 26 only pursuant to ordinance of a city council or board of
1 27 supervisors, which ordinance shall specify if the exemption
1 28 will be available for community development organizations,
1 29 not-for-profit cooperative associations under chapter 499, or
1 30 for-profit entities ~~and~~. If the exemption is for a project
1 31 described in paragraph "b", subparagraph (1), the exemption
1 32 shall be effective for the assessment year in which the
1 33 building is first assessed for property taxation or the
1 34 assessment year in which the ~~reconstruction or renovation~~
1 35 addition to an existing building first adds value ~~and~~. If the



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2 1 exemption is for a project described in paragraph "b",
2 2 subparagraph (2), the exemption shall be effective for the
2 3 assessment year following the assessment year in which the
2 4 project commences. An exemption allowed under this subsection
2 5 shall be allowed for all subsequent years until the property
2 6 is leased or sold or for a specific time period stated in the
2 7 ordinance or until the exemption is terminated by ordinance of
2 8 the city council or board of supervisors which approved the
2 9 exemption. Eligibility for an exemption as a speculative
2 10 shell building shall be determined as of January 1 of the
2 11 assessment year. However, an exemption shall not be granted a
2 12 speculative shell building of a not=for=profit cooperative
2 13 association under chapter 499 or a for=profit entity if the
2 14 building is used by the cooperative association or for=profit
2 15 entity, or a subsidiary or majority owners thereof for other
2 16 than as a speculative shell building. If the shell building
2 17 or any portion of the shell building is leased or sold, the
2 18 portion of the shell building which is leased or sold, and a
2 19 proportionate share of the land on which it is located if
2 20 applicable, shall not be entitled to an exemption under this
2 21 subsection for subsequent years. An application shall be
~~2 22 filed pursuant to section 427B.4 for each project for which an~~
~~2 23 exemption is claimed. Upon the sale of the shell building,~~
2 24 the shell building shall be considered new construction for
2 25 purposes of section 427B.1 if used for purposes set forth in
2 26 section 427B.1.
2 27 d. (1) If the speculative shell building project is a
2 28 speculative shell building project described in paragraph "b",
2 29 subparagraph (1), an application shall be filed pursuant to
2 30 section 427B.4 for each such project for which an exemption is
2 31 claimed.
2 32 (2) If the speculative shell building project is a
2 33 speculative shell building project described in paragraph "b",
2 34 subparagraph (2), an application shall be filed by the owner
2 35 of the property with the local assessor by February 1 of the



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3 1 assessment year in which the project commences. Applications
3 2 for exemption shall be made on forms prescribed by the
3 3 director of revenue and shall contain information pertaining
3 4 to the nature of the improvement, its cost, and other
3 5 information deemed necessary by the director of revenue. The
3 6 city council or the board of supervisors, by ordinance, shall
3 7 give its approval of a tax exemption for the project if the
3 8 project is in conformance with the zoning plans for the city
3 9 or county. The approval shall also be subject to the hearing
3 10 requirements of section 427B.1. Approval under this
3 11 subparagraph (2) entitles the owner to exemption from taxation
3 12 beginning in the assessment year following the assessment year
3 13 in which the project commences. However, if the tax exemption
3 14 for the building and land is not approved, the person may
3 15 submit an amended proposal to the city council or board of
3 16 supervisors to approve or reject.

3 17 e. For purposes of this subsection the following
3 18 definitions apply:

3 19 ~~a-~~ (1) (a) "Community development organization" means an
3 20 organization, which meets the membership requirements of
3 21 subparagraph ~~(2)~~ subdivision (b), formed within a city or
3 22 county or multicomunity group for one or more of the
3 23 following purposes:

3 24 ~~(a)~~ (i) To promote, stimulate, develop, and advance the
3 25 business prosperity and economic welfare of the community,
3 26 area, or region and its citizens.

3 27 ~~(b)~~ (ii) To encourage and assist the location of new
3 28 business and industry.

3 29 ~~(c)~~ (iii) To rehabilitate and assist existing business and
3 30 industry.

3 31 ~~(d)~~ (iv) To stimulate and assist in the expansion of
3 32 business activity.

3 33 ~~(2)~~ (b) For purposes of this definition, a community
3 34 development organization must have at least fifteen members
3 35 with representation from the following:



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4 1 ~~(a)~~ (i) A representative from government at the level or
4 2 levels corresponding to the community development
4 3 organization's area of operation.
4 4 ~~(b)~~ (ii) A representative from a private sector lending
4 5 institution.
4 6 ~~(c)~~ (iii) A representative of a community organization in
4 7 the area.
4 8 ~~(d)~~ (iv) A representative of business in the area.
4 9 ~~(e)~~ (v) A representative of private citizens in the
4 10 community, area, or region.
4 11 ~~b.~~ (2) "New construction" means new buildings or
4 12 structures and includes new buildings or structures which are
4 13 constructed as additions to existing buildings or structures.
4 14 "New construction" also includes reconstruction or renovation
4 15 of an existing building or structure which constitutes
4 16 complete replacement of an existing building or structure or
4 17 refitting of an existing building or structure, if the
4 18 reconstruction or renovation of the existing building or
4 19 structure is required due to economic obsolescence, if the
4 20 reconstruction or renovation is necessary to implement
4 21 recognized industry standards for the manufacturing or
4 22 processing of products, and the reconstruction or renovation
4 23 is required in order to competitively manufacture or process
4 24 products or for community development organizations,
4 25 not=for=profit cooperative associations under chapter 499, or
4 26 for=profit entities to market a building or structure as a
4 27 speculative shell building, which determination must receive
4 28 prior approval from the city council of the city or county
4 29 board of supervisors of the county.
4 30 ~~e.~~ (3) "Speculative shell building" means a building or
4 31 structure owned and constructed or reconstructed by a
4 32 community development organization, a not=for=profit
4 33 cooperative association under chapter 499, or a for=profit
4 34 entity without a tenant or buyer for the purpose of attracting
4 35 an employer or user which will complete the building to the



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5 1 employer's or user's specification for manufacturing,
5 2 processing, or warehousing the employer's or user's product
5 3 line.

5 4 Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This Act,
5 5 being deemed of immediate importance, takes effect upon
5 6 enactment and applies retroactively to January 1, 2007, for
5 7 projects approved by a city council or board of supervisors
5 8 prior to that date. Claims for exemption for the 2007 or 2008
5 9 assessment year shall be filed with the appropriate governing
5 10 body on or before October 1, 2008.

5 11 EXPLANATION

5 12 Current law provides a property tax exemption for
5 13 construction, reconstruction, or renovation of a building as a
5 14 speculative shell building. The exemption is available in
5 15 those cities and counties that have adopted an ordinance
5 16 allowing the exemption. Current law also provides that the
5 17 exemption begins in the assessment year that the speculative
5 18 building is first assessed for taxation or the assessment year
5 19 in which the reconstruction or renovation first adds value.

5 20 This bill provides that the exemption may begin in the
5 21 assessment year following the assessment year in which the
5 22 reconstruction or renovation commences if it involves complete
5 23 replacement or refitting of an existing building or structure.
5 24 The bill further provides that the exemption for such a
5 25 project would be for the building being renovated and the land
5 26 on which the building is located.

5 27 The bill takes effect upon enactment and applies
5 28 retroactively to January 1, 2007, for projects approved prior
5 29 to that date. The bill also provides that claims for
5 30 exemption for the 2007 or 2008 assessment year must be filed
5 31 with the appropriate local governing body on or before October
5 32 1, 2008.

5 33 LSB 5858SZ 82

5 34 sc/nh/8



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Senate Resolution 129 - Introduced

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S.R. _____ H.R. _____

1 1 SENATE RESOLUTION NO.
1 2 BY DVORSKY, BOLKCOM, and SCHMITZ
1 3 A Resolution honoring the University of Iowa Hawkeye
1 4 wrestling team and Coach Tom Brands for winning the
1 5 2008 National Collegiate Athletic Association's
1 6 (NCAA) team championship.
1 7 WHEREAS, the 2008 NCAA championship is the 21st
1 8 national championship in the Hawkeye wrestling
1 9 program's storied history and the program's first
1 10 national championship since 2000; and
1 11 WHEREAS, the 2008 NCAA championship is Coach
1 12 Brands' first NCAA championship as head coach of the
1 13 Hawkeyes; and
1 14 WHEREAS, the Hawkeye wrestling team also posted a
1 15 21=1 overall record and ended the season with a
1 16 14=match winning streak; and
1 17 WHEREAS, the Hawkeye wrestling team finished the
1 18 Big Ten regular season undefeated and captured the
1 19 program's 32nd Big Ten Conference title; and
1 20 WHEREAS, seven Hawkeyes were named All-Americans,
1 21 including Charlie Falck of Strawberry Point, Iowa, in
1 22 the 125=pound weight class; Joe Slaton of Cedar
1 23 Rapids, Iowa, who was the runner=up in the 133=pound
1 24 weight class; Brent Metcalf of Davison, Michigan, in
1 25 the 149=pound weight class; Mark Perry of Stillwater,
1 26 Oklahoma, in the 165=pound weight class; Jay Borschel
1 27 of Marion, Iowa, in the 174=pound weight class;
1 28 Phillip Keddy of Vernal, Utah, in the 184=pound weight
1 29 class; and Matt Fields of Lowden, Iowa, in the
1 30 heavyweight class; and



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2 1 WHEREAS, the Hawkeyes, for the first time since
2 2 1999, crowned two individual NCAA champions: Brent
2 3 Metcalf, who finished the season with a record of 35=1
2 4 and was also named the most outstanding wrestler at
2 5 both the Big Ten and NCAA championships, and Mark
2 6 Perry, who captured his second consecutive individual
2 7 NCAA title; and
2 8 WHEREAS, Brent Metcalf was also named the recipient
2 9 of the Dan Hodge Trophy as the nation's most dominant
2 10 wrestler; and
2 11 WHEREAS, the University of Iowa dominated the NCAA
2 12 championships by tallying 117.5 team points; and
2 13 WHEREAS, Coach Brands was named the 2008 Big Ten
2 14 Coach of the Year and the 2008 National Wrestling
2 15 Coaches Association Coach of the Year; and
2 16 WHEREAS, Coach Brands has, throughout his career,
2 17 projected a positive image for Iowa and his
2 18 student-athletes; NOW THEREFORE,
2 19 BE IT RESOLVED BY SENATE, That the Senate honors
2 20 the University of Iowa Hawkeye wrestling team and
2 21 Coach Brands for their 2008 NCAA wrestling
2 22 championship and the international honor and respect
2 23 they have brought to the State of Iowa; and
2 24 BE IT FURTHER RESOLVED, That, upon adoption, the
2 25 Secretary of the Senate shall prepare an official copy
2 26 of this Resolution for presentation to Coach Brands
2 27 and the University of Iowa Hawkeye wrestling team.
2 28 LSB 6636SS 82
2 29 md/nh/24.1



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Senate Resolution 131 - Introduced

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S.R. _____ H.R. _____

1 1 SENATE RESOLUTION NO.
1 2 BY KETTERING and SEYMOUR
1 3 A Resolution to recognize the 2008 annual Donna Reed
1 4 Festival for the Performing Arts.
1 5 WHEREAS, Donna Belle Mullenger was born on January
1 6 27, 1921, in Denison, Iowa; and
1 7 WHEREAS, still a teenager, she left Iowa to attend
1 8 Los Angeles City College, where she was named campus
1 9 queen, and her striking beauty drew the attention of
1 10 Hollywood producers; and
1 11 WHEREAS, taking the stage name of Donna Reed, she
1 12 rose to stardom in the 1946 classic "It's a Wonderful
1 13 Life" and the 1953 "From Here to Eternity", for which
1 14 she won the Oscar in 1954; and
1 15 WHEREAS, turning to the medium of television in
1 16 1958, Donna Reed won the hearts of millions of viewers
1 17 as the quintessential TV mom in the "Donna Reed Show";
1 18 and
1 19 WHEREAS, the year 2008 marks the 50th anniversary
1 20 of this popular 1950s TV show about a close family,
1 21 starring Donna Reed as a loving mother and homemaker;
1 22 and
1 23 WHEREAS, as a result of her outstanding performance
1 24 on that show, Donna Reed was nominated four times for
1 25 an Emmy award, and in 1963 received the Golden Globe
1 26 award for best female television star; and
1 27 WHEREAS, Donna Reed always remained an Iowan, often
1 28 returning home to visit family and friends and to
1 29 support local community projects; and
1 30 WHEREAS, with her passing in 1986, friends and



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Senate Resolution 131 - Introduced continued

2 1 family created the Donna Reed Foundation for the
2 2 Performing Arts, which awards scholarships to young
2 3 people studying the arts; and
2 4 WHEREAS, to honor her life, work, and memory the
2 5 Donna Reed Festival for the Performing Arts began in
2 6 1987, featuring student workshops by industry
2 7 professionals and a scholarship program centered in
2 8 Denison, Iowa; NOW THEREFORE,
2 9 BE IT RESOLVED BY THE SENATE, That the Senate
2 10 recognizes the 2008 annual Donna Reed Festival for the
2 11 Performing Arts, held June 16 through 21, 2008, in
2 12 Denison, and invites all Iowans to make a visit to
2 13 this annual event part of their summer vacation plans.
2 14 LSB 6597SS 82
2 15 jr/nh/8



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Senate Resolution 132 - Introduced

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S.R. _____ H.R. _____

1 1 SENATE RESOLUTION NO.
 1 2 BY HATCH
 1 3 A Resolution honoring the life and work of Professor
 1 4 R. Dean Wright.
 1 5 WHEREAS, Dr. Wright, Professor of Sociology at
 1 6 Drake University, not only taught generations of
 1 7 students about poverty, homelessness, and crime, he
 1 8 was and remains a tireless advocate and community
 1 9 activist for the poor, the homeless, and for juvenile
 1 10 justice; and
 1 11 WHEREAS, Dr. Wright has been a Fulbright Scholar to
 1 12 Delhi University in India, held a National Defense
 1 13 Foreign Language Fellowship in Hindi, and has been
 1 14 awarded fellowships from the National Science
 1 15 Foundation, National Endowment for the Humanities,
 1 16 Iowa House at the University of Iowa, and the
 1 17 Northwest Area Foundation; and
 1 18 WHEREAS, Dr. Wright is a dedicated activist in
 1 19 criminal justice, having chaired the Iowa Criminal and
 1 20 Juvenile Justice Advisory Council for 14 years,
 1 21 Attorney General Tom Miller's Task Force on Juvenile
 1 22 Justice, and Attorney General Bonnie Campbell's Blue
 1 23 Ribbon Task Force on Sentencing; and
 1 24 WHEREAS, besides his academic work Dr. Wright has a
 1 25 long history in Des Moines, not only as a Drake
 1 26 University professor, but also as an engaged and
 1 27 contributing member of the community, including his
 1 28 work as an original board member of Urban Dreams; and
 1 29 WHEREAS, in recognition of his work, Dr. Wright was
 1 30 the first recipient of the Madelyn M. Levitt



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2 1 Distinguished Community Service Award, has received
2 2 the Drake Medal of Service, the Public Service Award
2 3 of the Iowa Corrections Association, and the Special
2 4 Award from the Midwest Sociological Society, and has
2 5 been inducted into the Iowa Volunteer Hall of Fame;
2 6 and
2 7 WHEREAS, Dr. Wright has conducted his life and work
2 8 in partnership with his wife, Susan Wright, and with
2 9 his son and daughter-in-law, Ehren and Michelle
2 10 Stover=Wright, and grandchildren Aiden and Ella; NOW
2 11 THEREFORE,
2 12 BE IT RESOLVED BY THE SENATE, That the Senate
2 13 honors Professor R. Dean Wright for a lifetime of
2 14 achievement and for his dedication to social justice,
2 15 which have made Iowa a better place for us all.
2 16 LSB 6567SS 82
2 17 jr/rj/14.1