House Amendment 1003

PAG LIN

1 1 Amend House File 64 as follows:
1 2 #1. By striking page 1, line 3, through page 3,
1 3 line 7.
1 4 #2. Page 3, by striking line 8 and inserting the
1 5 following:
1 6 <Section 1. APPROPRIATION.
1 7 1. There is appropriated from the>.
1 8 #3. Page 3, by inserting after line 15 the
1 9 following:
1 10 <2. The authority shall adopt rules for the
1 11 jumpstart housing assistance program consistent with
1 12 all of the following:
1 13 a. An eligible resident must have a family income
1 14 equal to or less than one hundred fifty percent of the
1 15 area median family income. An application for
1 16 assistance must be submitted by September 1, 2009.
1 17 b. Forgivable loans awarded after the effective
1 18 date of this division of this Act shall be awarded
1 19 pursuant to the following priorities:
1 20 (1) First priority shall be given to eligible
1 21 residents who have not received any moneys under the
1 22 jumpstart housing assistance program prior to the
1 23 effective date of this division of this Act.
1 24 (2) Second priority shall be given to eligible
1 25 residents who have received less than twenty=four
1 26 thousand nine hundred ninety=nine dollars under the
1 27 jumpstart housing assistance program prior to the
1 28 effective date of this division of this Act.
1 29 (3) Third priority shall be given to eligible
1 30 residents who have received twenty=four thousand nine
1 31 hundred ninety=nine dollars under the jumpstart
1 32 housing assistance program prior to the effective date
1 33 of this division of this Act and who continue to have
1 34 unmet needs for down payment assistance, emergency
1 35 housing repair or rehabilitation, interim mortgage
1 36 assistance, or energy efficiency assistance. An
1 37 eligible resident shall not receive more than an
1 38 additional twenty=four thousand nine hundred
1 39 ninety=nine dollars under this subparagraph.
1 40 c. Except as provided in paragraph "b",
1 41 subparagraph (3), an eligible resident who meets the
1 42 area median family income requirement shall not
1 43 receive more than twenty=four thousand nine hundred
1 44 ninety=nine dollars under the program.>
1 45 #4. Page 3, line 16, by striking the word
1 46 <Notwithstanding> and inserting the following:
1 47 <3. Notwithstanding>.
1 48 #5. By striking page 3, line 35, through page 6,
1 49 line 22, and inserting the following:
1 50 <DIVISION II

House Amendment 1003 continued

2 1 IOWA UNMET NEEDS DISASTER GRANT PROGRAM
2 2 Sec. ___. IOWA UNMET NEEDS DISASTER GRANT PROGRAM
2 3 == APPROPRIATION.
2 4 1. There is appropriated from the Iowa economic
2 5 emergency fund created in section 8.55 to the
2 6 department of human services for the fiscal year
2 7 beginning July 1, 2008, and ending June 30, 2009, the
2 8 following amount, or so much thereof as is necessary,
2 9 to be used for the purposes designated:
2 10 For providing individual disaster grants for unmet
2 11 needs pursuant to the requirements in this section:
2 12 ..... $ 10,000,000
2 13 2. From the moneys appropriated in this section,
2 14 there is transferred to the department of human rights
2 15 two hundred fifty thousand dollars for deposit in the
2 16 individual development account state match fund
2 17 created in section 541A.7. Notwithstanding other
2 18 provisions to the contrary in section 541A.3,
2 19 subsection 1, moneys appropriated to the individual
2 20 development account state match fund under this
2 21 subsection shall be used to provide the state match to
2 22 account holders affected by a natural disaster
2 23 occurring in 2008 for which the president of the
2 24 United States declared a disaster area, and who have a
2 25 household income that is equal to or less than three
2 26 hundred percent of the federal poverty level as
2 27 defined by the most recently revised poverty income
2 28 guidelines published by the United States department
2 29 of health and human services.
2 30 3. The department of human services shall
2 31 establish and administer an Iowa unmet needs disaster
2 32 grant program for purposes of reimbursing expenses for
2 33 unmet needs for persons located in an area which was
2 34 declared a disaster area by the president of the
2 35 United States due to a disaster occurring after May
2 36 24, 2008, and before August 14, 2008.
2 37 4. Determination of eligibility under the program
2 38 and certification of unmet needs under the program
2 39 shall be made by area long=term disaster committees
2 40 and the disaster recovery case management program
2 41 established by the rebuild Iowa office. An eligible
2 42 participant shall receive reimbursement for expenses
2 43 upon presenting a receipt for an eligible unmet need
2 44 or shall receive a voucher through a voucher system
2 45 administered jointly by the department of human
2 46 services and the area long=term disaster committees.
2 47 The voucher system shall ensure sufficient data
2 48 collection to discourage and prevent fraud. A grant
2 49 recipient shall not receive more than two thousand
2 50 five hundred dollars per household. A grant recipient

House Amendment 1003 continued

3 1 must have an income that is equal to or less than
3 2 three hundred percent of the federal poverty level
3 3 based on the number of people in the household of the
3 4 recipient as defined by the most recently revised
3 5 poverty income guidelines as published by the United
3 6 States department of health and human services. Unmet
3 7 needs disaster grants shall not supplant any other
3 8 financial support, assistance, or grants provided by
3 9 any other federal or state government, nonprofit
3 10 agency, or faith=based agency.
3 11 5. Unmet need expenses eligible for reimbursement
3 12 shall be limited to expenses associated with personal
3 13 property, home repair, food assistance, mental health
3 14 assistance, child care, and temporary housing.
3 15 6. An area long=term disaster committee shall be
3 16 reimbursed for administrative expenses incurred in an
3 17 amount not to exceed three percent of the grant moneys
3 18 awarded for the area pursuant to an intergovernmental
3 19 agreement to be established between the department of
3 20 human services and the agency of record responsible
3 21 for the long=term disaster committee in each area.
3 22 The department of human services shall not be
3 23 reimbursed for using moneys appropriated in this
3 24 section for administrative costs associated with
3 25 administering the Iowa unmet needs disaster grant
3 26 program.
3 27 7. Notwithstanding section 8.33 and section 8.55,
3 28 subsection 3, paragraph "a", moneys appropriated in
3 29 this section that remain unencumbered or unobligated
3 30 at the close of the fiscal year shall not revert but
3 31 shall remain available for expenditure for the
3 32 purposes designated until the close of the succeeding
3 33 fiscal year.
3 34 Sec. ___. EMERGENCY RULES. The department of
3 35 human services may adopt emergency rules under section
3 36 17A.4, subsection 3, and section 17A.5, subsection 2,
3 37 paragraph "b", to implement the provisions of this
3 38 division of this Act and the rules shall be effective
3 39 immediately upon filing unless a later date is
3 40 specified in the rules. Any rules adopted in
3 41 accordance with this section shall also be published
3 42 as a notice of intended action as provided in section
3 43 17A.4.
3 44 Sec. ___. EFFECTIVE AND RETROACTIVE APPLICABILITY
3 45 DATES. This division of this Act, being deemed of
3 46 immediate importance, takes effect upon enactment, is
3 47 retroactively applicable to May 24, 2008, and is
3 48 applicable on and after that date.
3 49 DIVISION III
3 50 COMMUNITY DISASTER GRANTS

House Amendment 1003 continued

4 1 Sec. ___. COMMUNITY DISASTER GRANTS ==
4 2 APPROPRIATION.
4 3 1. There is appropriated from the Iowa economic
4 4 emergency fund created in section 8.55 to the
4 5 department of public defense for the homeland security
4 6 and emergency management division for the fiscal year
4 7 beginning July 1, 2008, and ending June 30, 2009, the
4 8 following amount, or so much thereof as is necessary,
4 9 to be used for the purposes designated:
4 10 For providing community disaster grants to cities
4 11 and counties:
4 12 ..... $ 22,000,000
4 13 2. a. Using moneys appropriated under this
4 14 section, the homeland security and emergency
4 15 management division shall award grants to cities and
4 16 counties based on their pro rata share of damage costs
4 17 associated with presidential disaster declaration
4 18 DR=1763=IA occurring after May 24, 2008, and before
4 19 August 14, 2008, as calculated by obligated funds from
4 20 the federal emergency management agency individual
4 21 assistance program and small business administration
4 22 disaster loan program as of the effective date of this
4 23 division of this Act. Every city or county in a
4 24 disaster area shall receive at least two thousand
4 25 dollars.
4 26 b. Moneys awarded pursuant to this section shall
4 27 be used by the recipient for disaster=related costs
4 28 not otherwise funded by federal or nonfederal sources
4 29 and for any of the following purposes:
4 30 (1) Nonprofit organization assistance.
4 31 (2) Assistance for the public purchase of land and
4 32 accompanying structures if financial assistance for
4 33 such purchases is not available from the federal
4 34 emergency management agency or when a nonfederal match
4 35 is required for a grant involved in the public
4 36 purchase of land and accompanying structures.
4 37 (3) Assistance for the repair, replacement, or
4 38 upgrade of public infrastructure damaged by the
4 39 disaster including measures to assist in the
4 40 mitigation of future damage due to natural disasters.
4 41 (4) Assistance for increased costs associated with
4 42 the revaluation and assessment of property due to a
4 43 natural disaster occurring in 2008.
4 44 (5) Small business assistance.
4 45 (6) Assistance for the replacement or
4 46 rehabilitation of housing.
4 47 3. Immediately following the effective date of
4 48 this division of this Act, the homeland security and
4 49 emergency management division shall notify each
4 50 eligible recipient of the availability of funds and

House Amendment 1003 continued

5 1 the associated application process.
5 2 4. By April 1, 2009, an eligible grant recipient
5 3 under this section must submit a written application
5 4 in the form as specified by the homeland security and
5 5 emergency management division. The application shall
5 6 contain information on the recipient's proposed uses
5 7 of the moneys and any other information required by
5 8 the homeland security and emergency management
5 9 division.
5 10 5. After April 1, 2009, any funds allocated to an
5 11 eligible grant recipient who does not complete and
5 12 submit an application by April 1, 2009, shall be
5 13 awarded on a pro rata basis as defined in subsection
5 14 2, paragraph "a".
5 15 6. By January 1, 2010, each grant recipient under
5 16 this section shall submit a written report to the
5 17 homeland security and emergency management division
5 18 specifying the allocation and uses of moneys received
5 19 pursuant to this section. By January 8, 2010, the
5 20 division shall compile and forward copies of all
5 21 reports received to the governor and the general
5 22 assembly.
5 23 7. The department of public defense may request
5 24 the auditor of state to perform any audits needed in
5 25 the administration of this division of the Act and
5 26 reimburse the auditor of state for the costs of the
5 27 audits.
5 28 8. Notwithstanding section 8.33 and section 8.55,
5 29 subsection 3, paragraph "a", moneys appropriated in
5 30 this section that remain unencumbered or unobligated
5 31 at the close of the fiscal year shall not revert but
5 32 shall remain available for expenditure for the
5 33 purposes designated until the close of the succeeding
5 34 fiscal year.
5 35 Sec. ___. EMERGENCY RULES. The department of
5 36 public defense may adopt emergency rules under section
5 37 17A.4, subsection 3, and section 17A.5, subsection 2,
5 38 paragraph "b", to implement the provisions of this
5 39 division of this Act and the rules shall be effective
5 40 immediately upon filing unless a later date is
5 41 specified in the rules. Any rules adopted in
5 42 accordance with this section shall also be published
5 43 as a notice of intended action as provided in section
5 44 17A.4.
5 45 Sec. ___. EFFECTIVE DATE. This division of this
5 46 Act, being deemed of immediate importance, takes
5 47 effect upon enactment.>
5 48 #6. Page 6, by striking lines 28 and 29 and
5 49 inserting the following: <rebuilding efforts
5 50 following the declaration of a disaster area by the

House Amendment 1003 continued

6 1 president of the United States after May 24, 2008, and
6 2 before June 30, 2011.>
6 3 #7. Page 6, line 34, by inserting after the word
6 4 <governor> the following: <and confirmed by the
6 5 senate pursuant to section 2.32. The executive
6 6 director shall annually compile a comprehensive budget
6 7 which reflects all fiscal matters related to the
6 8 operation of the office and each activity of the
6 9 office in accordance with section 8.23>.
6 10 #8. Page 7, by striking lines 13 through 17 and
6 11 inserting the following:
6 12 <g. Assist in establishing guidelines for the
6 13 disbursing of federal moneys.
6 14 h. Establish goals, benchmarks, and objectives by
6 15 which progress in disaster recovery and long=term
6 16 reconstruction can be measured. Such goals,
6 17 benchmarks, and objectives shall include, but not be
6 18 limited to, all of the following:
6 19 (1) Measures on returning displaced residents to
6 20 permanent homes.
6 21 (2) Progress on economic restoration in disaster
6 22 areas such as opening or reopening of businesses,
6 23 employment, and sales tax receipts.
6 24 (3) Progress on the public purchase of land and
6 25 accompanying structures both with and without
6 26 financial assistance from the federal emergency
6 27 management agency.
6 28 (4) Progress on natural disaster forecasting,
6 29 watershed management, and floodplain management.
6 30 (5) Measures on the expediency of obligation and
6 31 distribution of federal and state moneys for disaster
6 32 recovery.>
6 33 #9. Page 7, by striking lines 24 through 27 and
6 34 inserting the following:
6 35 <k. By January 10, April 10, July 10, and October
6 36 10 of each year, as applicable, submit a written
6 37 report to the governor and the general assembly
6 38 regarding the activities of the office during the
6 39 previous three months. The report shall include an
6 40 updated budgetary and financial analysis including
6 41 full=time equivalent positions, and progress in
6 42 obtaining goals, benchmarks, and objectives
6 43 established pursuant to paragraph "h".
6 44 l. By January 1, 2011, submit a written report to
6 45 the governor and the general assembly identifying for
6 46 consideration transition issues for disaster recovery
6 47 assistance due to the elimination of the office on
6 48 June 30, 2011.>
6 49 #10. Page 7, line 32, by inserting after the word
6 50 <chairperson.> the following: <The members of the

House Amendment 1003 continued

7 1 council shall not receive a per diem and shall not be
7 2 reimbursed for their actual and necessary expenses
7 3 while in attendance at any meeting of the council and
7 4 shall not be reimbursed for their expenses for going
7 5 to and from a meeting. Legislative members of the
7 6 commission shall not receive per diem or reimbursement
7 7 for necessary travel and actual expenses pursuant to
7 8 section 2.10 or 2.12.>
7 9 #11. Page 7, line 34, by striking the words <state
7 10 agencies>.
7 11 #12. Page 8, by inserting after line 14 the
7 12 following:
7 13 <(15) The department of agriculture and land
7 14 stewardship.
7 15 (16) The office of energy independence.
7 16 (17) The Iowa utilities board.
7 17 (18) One representative of the Iowa league of
7 18 cities appointed by the league.
7 19 (19) One representative of the Iowa state
7 20 association of counties appointed by the association.
7 21 (20) One representative of a council of
7 22 governments appointed by the governor.
7 23 (21) Four members of the general assembly serving
7 24 as ex officio, nonvoting members, one representative
7 25 to be appointed by the speaker of the house of
7 26 representatives, one representative to be appointed by
7 27 the minority leader of the house of representatives,
7 28 one senator to be appointed by the president of the
7 29 senate after consultation with the majority leader of
7 30 the senate, and one senator to be appointed by the
7 31 minority leader of the senate.>
7 32 #13. Page 8, by striking lines 21 and 22.
7 33 #14. Title page, lines 1 and 2, by striking the
7 34 words <a jumpstart housing assistance program,
7 35 disaster and individual assistance> and inserting the
7 36 following: <for jumpstart housing assistance, unmet
7 37 needs disaster>.
7 38 #15. By renumbering as necessary.
7 39
7 40
7 41
7 42 T. OLSON of Linn
7 43 HF 64.706 83
7 44 tm/rj/12046

House Amendment 1004

PAG LIN

1 1 Amend the amendment, H=1003, to House File 64 as
1 2 follows:
1 3 #1. Page 7, by striking line 32 and inserting the
1 4 following:
1 5 <#___. Page 8, by striking lines 21 and 22 and
1 6 inserting the following:
1 7 <6. For each full=time equivalent position
1 8 authorized and filled for the rebuild Iowa office and
1 9 for each contract employee employed in the rebuild
1 10 Iowa office, an equal number of full=time equivalent
1 11 and contract employee positions shall be vacated in
1 12 other agencies of the executive branch.>>
1 13 #2. By renumbering as necessary.
1 14
1 15
1 16
1 17 RANTS of Woodbury
1 18 HF 64.707 83
1 19 tm/rj/21510
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50

House Amendment 1005

PAG LIN

```
  1  1    Amend the amendment, H=1003, to House File 64 as
  1  2 follows:
  1  3 #1.  Page 2, line 43, by striking the word <need>
  1  4 and inserting the following:  <need.>
  1  5 #2.  Page 2, by striking lines 44 through 48 and
  1  6 inserting the following:  <A grant>.
  1  7
  1  8
  1  9
  1 10 LUKAN of Dubuque
  1 11 HF 64.709 83
  1 12 tm/rj/21511
1 13
1 14
1 15
1 16
1 17
1 18
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50
```

House Amendment 1006

PAG LIN

1 1 Amend the amendment, H=1003, to House File 64 as
1 2 follows:
1 3 #1. By striking page 5, line 48, through page 7,
1 4 line 32, and inserting the following:
1 5 <#___. By striking page 6, line 23, through page
1 6 8, line 27.>
1 7 #2. Page 7, by inserting after line 37 the
1 8 following:
1 9 <#___. Title page, line 3, by striking the words
1 10 <a rebuild Iowa office,>.>
1 11 #3. By renumbering as necessary.
1 12
1 13
1 14
1 15 WAGNER of Linn
1 16 HF 64.708 83
1 17 tm/rj/21509
1 18
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50

House File 86 - Introduced

HOUSE FILE
BY WINDSCHITL, SCHULTZ, TYMESON, LUKAN, STRUYK, HELLAND, SORENSON, HUSEMAN, KAUFMANN, PAULSEN, and DEYOE

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

A BILL FOR

1 An Act relating to the justifiable use of reasonable force.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 1773YH 83
4 jm/rj/5

House File 86 - Introduced continued

PAG LIN

1 1 Section 1. Section 704.1, Code 2009, is amended to read as
1 2 follows:
1 3 704.1 REASONABLE FORCE.
1 4 "Reasonable force" is that force and no more which a
1 5 reasonable person, in like circumstances, would judge to be
1 6 necessary to prevent an injury or loss and can include deadly
1 7 force if it is reasonable to believe that such force is
1 8 necessary to avoid injury or risk to one's life or safety or
1 9 the life or safety of another, or it is reasonable to believe
1 10 that such force is necessary to resist a like force or threat.
1 11 Reasonable force, including deadly force, may be used ~~even if~~
~~1 12 an alternative course of action is available if the~~
~~1 13 alternative entails a risk to life or safety, or the life or~~
~~1 14 safety of a third party, or requires one to abandon or retreat~~
~~1 15 from one's dwelling or place of business or employment~~, and a
1 16 person has no duty to retreat, and has the right to stand the
1 17 person's ground, and meet force with force, if the person
1 18 believes reasonable force, including deadly force, is
1 19 necessary under the circumstances to prevent death or serious
1 20 injury to oneself or a third party, or to prevent the
1 21 commission of a forcible felony.
1 22 Sec. 2. NEW SECTION. 704.4A IMMUNITY.
1 23 1. A person who uses reasonable force shall be immune from
1 24 any criminal prosecution or civil action for using such force,
1 25 unless the person against whom such force is used is a peace
1 26 officer acting within the scope of the officer's duties and
1 27 the peace officer identifies the officer's identity, or the
1 28 person knew or reasonably should have known the person is a
1 29 peace officer.
1 30 2. A law enforcement agency may use standard investigating
1 31 procedures for investigating the use of force, but the law
1 32 enforcement agency shall not arrest a person for using force
1 33 unless it determines there is probable cause that the force
1 34 was unlawful under this chapter.
1 35 3. If a person is arrested and it is later determined by a

House File 86 - Introduced continued

2 1 court or jury that the person was justified in using
2 2 reasonable force under the circumstances, the person shall be
2 3 awarded reasonable attorney fees, court costs, compensation
2 4 for loss of any income, and reimbursement of any other
2 5 expenses incurred as a result of being arrested and charged.
2 6 EXPLANATION
2 7 This bill relates to the justifiable use of reasonable
2 8 force.
2 9 The bill provides that a person may use reasonable force,
2 10 including deadly force, and a person has no duty to retreat,
2 11 and has a right to stand the person's ground, and meet force
2 12 with force, if the person believes reasonable force, including
2 13 deadly force, is necessary under the circumstances to prevent
2 14 death or serious injury to oneself or a third party, or to
2 15 prevent the commission of a forcible felony.
2 16 Current law provides that a person may use reasonable
2 17 force, including deadly force, even if an alternative course
2 18 of action is available if the alternative entails a risk of
2 19 life or safety or the life or safety of a third party, or
2 20 requires one to abandon or retreat from one's residence or
2 21 place of business.
2 22 The bill also provides that a person who uses reasonable
2 23 force shall be immune from any criminal prosecution or civil
2 24 action for using such force, unless the person against whom
2 25 such force is used is a peace officer acting within the scope
2 26 of the officer's duties and the peace officer identifies the
2 27 officer's identity, or the person knew or reasonably should
2 28 have known the person is a peace officer.
2 29 Under the bill, a law enforcement agency shall not arrest a
2 30 person for using force unless it determines there is probable
2 31 cause that the force was unlawful under Code chapter 704.
2 32 The bill also provides that if a person is arrested and it
2 33 is later determined by a court or jury that the person was
2 34 justified in using reasonable force under the circumstances,
2 35 the person shall be awarded reasonable attorney fees, court

House File 86 - Introduced continued

3 1 costs, compensation for loss of any income, and reimbursement
3 2 of any other expenses incurred as a result of being arrested
3 3 and charged.
3 4 LSB 1773YH 83
3 5 jm/rj/5

House File 87

HOUSE FILE
BY WINDSCHITL, SCHULTZ,
STRUYK, HELLAND, SORENSON,
and HUSEMAN

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

A BILL FOR

An Act relating to the taking of fingerprints upon an application for a permit to carry a weapon.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1743YH 83
rh/nh/5

House File 87 continued

PAG LIN

1 1 Section 1. Section 690.2, Code 2009, is amended to read as
1 2 follows:
1 3 690.2 FINGER AND PALM PRINTS == PHOTOGRAPHS == DUTY OF
1 4 SHERIFF AND CHIEF OF POLICE.
1 5 The sheriff of every county, and the chief of police of
1 6 each city regardless of the form of government thereof, shall
1 7 take the fingerprints of all unidentified dead bodies in their
1 8 respective jurisdictions and all persons who are taken into
1 9 custody for the commission of a serious misdemeanor,
1 10 aggravated misdemeanor, or felony and shall forward such
1 11 fingerprint records on such forms and in such manner as may be
1 12 prescribed by the commissioner of public safety, within two
1 13 working days after the fingerprint records are taken, to the
1 14 department of public safety and, if appropriate, to the
1 15 federal bureau of investigation. Fingerprints may be taken of
1 16 a person who has been arrested for a simple misdemeanor
1 17 subject to an enhanced penalty for conviction of a second or
1 18 subsequent offense. In addition to the fingerprints as herein
1 19 provided, any such officer may also take the photograph and
1 20 palm prints of any such person and forward them to the
1 21 department of public safety. If a defendant is convicted by a
1 22 court of this state of an offense which is a simple
1 23 misdemeanor subject to an enhanced penalty for conviction of a
1 24 second or subsequent offense, a serious misdemeanor, an
1 25 aggravated misdemeanor, or a felony, the court shall determine
1 26 whether such defendant has previously been fingerprinted in
1 27 connection with the criminal proceedings leading to the
1 28 conviction and, if not, shall order that the defendant be
1 29 fingerprinted and those prints submitted to the department of
1 30 public safety. The court shall also order that a juvenile
1 31 adjudicated delinquent for an offense which would be an
1 32 offense other than a simple misdemeanor if committed by an
1 33 adult, be fingerprinted and the prints submitted to the
1 34 department of public safety if the juvenile has not previously
1 35 been fingerprinted. The taking of fingerprints for a serious

House File 87 continued

2 1 misdemeanor offense under chapter 321 or 321A is not required
2 2 under this section. Fingerprints shall not be taken from an
2 3 applicant for a permit to carry a weapon pursuant to section
2 4 724.10.
2 5 Sec. 2. Section 724.10, Code 2009, is amended to read as
2 6 follows:
2 7 724.10 APPLICATION FOR PERMIT TO CARRY WEAPONS == CRIMINAL
2 8 HISTORY CHECK REQUIRED.
2 9 A person shall not be issued a permit to carry weapons
2 10 unless the person has completed and signed an application on a
2 11 form to be prescribed and published by the commissioner of
2 12 public safety. The application shall state the full name,
2 13 driver's license or nonoperator's identification card number,
2 14 residence, and age of the applicant, and shall state whether
2 15 the applicant has ever been convicted of a felony, whether the
2 16 person is addicted to the use of alcohol or any controlled
2 17 substance, and whether the person has any history of mental
2 18 illness or repeated acts of violence. However, the
2 19 application shall not require and the sheriff shall not take
2 20 the fingerprints of the applicant. The applicant shall also
2 21 display an identification card that bears a distinguishing
2 22 number assigned to the cardholder, the full name, date of
2 23 birth, sex, residence address, and a brief description and
2 24 colored photograph of the cardholder. The sheriff shall
2 25 conduct immediately a criminal history check concerning each
2 26 applicant by obtaining criminal history data from the
2 27 department of public safety. A person who knowingly makes a
2 28 false statement of material fact on the application commits a
2 29 class "D" felony.
2 30 EXPLANATION
2 31 This bill relates to the taking of fingerprints upon an
2 32 application for a permit to carry a weapon.
2 33 The bill provides that the sheriff shall not take the
2 34 fingerprints of an applicant for a permit to carry a weapon.
2 35 Under the bill and in current law, the sheriff shall conduct

House File 87 continued

3 1 an immediate criminal history check concerning each applicant.
3 2 LSB 1743YH 83
3 3 rh/nh/5

House File 88 - Introduced

HOUSE FILE
BY WINDSCHITL, SCHULTZ, TYMESON, LUKAN, S. OLSON, STRUYK, KOESTER, HELLAND, HUSEMAN, PETTENGILL, KAUFMANN, SORENSON, PAULSEN, and DEYOE

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

A BILL FOR

An Act relating to the issuance of weapons permits by a county sheriff or the commissioner of public safety.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1751YH 83
rh/nh/14

House File 88 - Introduced continued

PAG LIN

1 1 Section 1. Section 724.11, Code 2009, is amended to read
1 2 as follows:
1 3 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.
1 4 Applications for permits to carry weapons shall be made to
1 5 the sheriff of the county in which the applicant resides.
1 6 Applications from persons who are nonresidents of the state,
1 7 or whose need to go armed arises out of employment by the
1 8 state, shall be made to the commissioner of public safety. In
1 9 either case, ~~the issuance of the permit shall be by and at the~~
~~1 10 discretion of~~ the sheriff or commissioner~~, who~~ shall~~, before~~
~~1 11 issuing~~ issue the permit~~, determine that~~ if the sheriff or
1 12 commissioner determines that the requirements of sections
1 13 724.6 to 724.10 have been satisfied. However, the training
1 14 program requirements in section 724.9 may be waived for
1 15 renewal permits. The issuing officer shall collect a fee of
1 16 ten dollars, except from a duly appointed peace officer or
1 17 correctional officer, for each permit issued. Renewal permits
1 18 or duplicate permits shall be issued for a fee of five
1 19 dollars. The issuing officer shall notify the commissioner of
1 20 public safety of the issuance of any permit at least monthly
1 21 and forward to the commissioner an amount equal to two dollars
1 22 for each permit issued and one dollar for each renewal or
1 23 duplicate permit issued. All such fees received by the
1 24 commissioner shall be paid to the treasurer of state and
1 25 deposited in the operating account of the department of public
1 26 safety to offset the cost of administering this chapter. Any
1 27 unspent balance as of June 30 of each year shall revert to the
1 28 general fund as provided by section 8.33.
1 29 EXPLANATION
1 30 This bill relates to the issuance of weapons permits by a
1 31 county sheriff or the commissioner of public safety.
1 32 Current law provides that a county sheriff in the county in
1 33 which an applicant for a weapons permit resides, or the
1 34 commissioner of public safety, if the applicant is a
1 35 nonresident of the state, has discretion in determining

House File 88 - Introduced continued

2 1 whether or not to issue a concealed weapons permit to an
2 2 applicant after the sheriff or the commissioner determines the
2 3 applicant meets certain requirements. The bill eliminates
2 4 that discretion and provides that the county sheriff or the
2 5 commissioner of public safety shall issue a permit to carry
2 6 weapons upon determining that the requirements have been
2 7 satisfied.
2 8 LSB 1751YH 83
2 9 rh/nh/14

House File 89 - Introduced

HOUSE FILE
BY WENDT and WHITEAD

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

A BILL FOR

An Act relating to reimbursement of hazardous substance cleanup costs.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1203HH 83
tm/sc/14

House File 89 - Introduced continued

PAG LIN

1 1 Section 1. Section 455B.392, subsection 1, paragraph a,
1 2 Code 2009, is amended to read as follows:
1 3 a. The reasonable cleanup costs incurred by the state ~~or~~
1 4 ~~its political subdivisions~~, by governmental subdivisions, or
1 5 by any other persons participating in the prevention or
1 6 mitigation of damages with the approval of the director, as a
1 7 result of the failure of the person to clean up a hazardous
1 8 substance involved in a hazardous condition caused by that
1 9 person.
1 10 Sec. 2. Section 455B.392, Code 2009, is amended by adding
1 11 the following new subsection:
1 12 NEW SUBSECTION. 1A. A person having control over a
1 13 hazardous substance is strictly liable to a political
1 14 subdivision for reasonable cleanup costs incurred by the
1 15 political subdivision participating in the prevention or
1 16 mitigation of damages as a result of the failure of the person
1 17 to clean up a hazardous substance involved in a hazardous
1 18 condition caused by that person. Moneys collected pursuant to
1 19 this subsection shall be paid directly to the political
1 20 subdivision making the claim. Claims under this subsection
1 21 may be appealed to the commission by the person filing a
1 22 written notice of appeal within thirty days after the receipt
1 23 of the bill.
1 24 Sec. 3. Section 455B.392, subsections 5 and 6, Code 2009,
1 25 are amended to read as follows:
1 26 5. Money collected pursuant to this section, except for
1 27 subsection 1A, shall be deposited in the hazardous waste
1 28 remedial fund created in section 455B.423. Moneys shall be
1 29 used to reimburse governmental subdivisions requested to
1 30 assist in the cleanup for which the moneys were collected.
1 31 The remainder of the moneys shall be used in the manner
1 32 permitted for the fund.
1 33 6. This section does not deny any person any legal or
1 34 equitable rights, remedies or defenses or affect any legal
1 35 relationship other than the legal relationship between the

House File 89 - Introduced continued

2 1 state or political subdivision and a person having control
2 2 over a hazardous substance pursuant to subsection 1 and
2 3 subsection 1A.
2 4 EXPLANATION
2 5 This bill relates to the reimbursement of hazardous
2 6 substance cleanup costs.
2 7 The bill requires strict liability for a person having
2 8 control over a hazardous substance to a political subdivision
2 9 for reasonable cleanup costs incurred by the political
2 10 subdivision participating in the prevention or mitigation of
2 11 damages due to the failure of the person to clean up a
2 12 hazardous substance involved in a hazardous condition caused
2 13 by that person.
2 14 The bill makes conforming amendments.
2 15 LSB 1203HH 83
2 16 tm/sc/14.1

House File 90

HOUSE FILE
BY WENDT and WHITEAD

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

A BILL FOR

An Act providing for the suspension or revocation of an alcoholic beverage license or permit for failure to pay sales taxes and making penalties applicable.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1204HH 83
ec/rj/14

House File 90 continued

PAG LIN

1 1 Section 1. Section 123.39, subsection 1, paragraph b, Code
1 2 2009, is amended by adding the following new subparagraph:
1 3 NEW SUBPARAGRAPH. (7) The failure or refusal on the part
1 4 of any licensee or permittee to remit any sales or use taxes
1 5 for a continuous period of at least one year.
1 6 EXPLANATION
1 7 This bill provides that the administrator of the alcoholic
1 8 beverages division or the applicable local authority may
1 9 suspend or revoke an alcoholic beverage license or permit, or
1 10 a civil penalty may be imposed, if the licensee or permittee
1 11 fails or refuses to remit any sales or use taxes for a
1 12 continuous period of at least one year.
1 13 LSB 1204HH 83
1 14 ec/rj/14

House File 91 - Introduced

HOUSE FILE
BY TYMESON

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

A BILL FOR

An Act relating to the suspension of students who commit assault.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1913HH 83
ak/nh/8

House File 91 - Introduced continued

PAG LIN

1 1 Section 1. Section 282.4, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. a. A student who commits an assault, as defined under
1 4 section 708.1, against another student or a school employee in
1 5 a school building, on school grounds, or at a school=sponsored
1 6 function shall be suspended for a minimum of three days or a
1 7 longer time to be determined by the principal. Notice of the
1 8 suspension shall be immediately sent to the president of the
1 9 board. By special meeting open to the public or at the next
1 10 regularly scheduled board meeting, the board shall review the
1 11 suspension and may decide whether to enforce the suspension.
1 12 If the suspension is enforced, the board shall also decide
1 13 whether to hold a disciplinary hearing to determine whether ~~or~~
~~1 14 not~~ to order further sanctions against the student, which may
1 15 include expelling the student. In making its decision, the
1 16 board shall consider the best interests of the school
1 17 district, which shall include what is best to protect and
1 18 ensure the safety of the school employees and students from
1 19 the student committing the assault.
1 20 b. A student shall not be suspended or expelled pursuant
1 21 to this section if the suspension or expulsion would violate
1 22 the federal Individuals with Disabilities Education Act, 20
1 23 U.S.C. } 1400-1450.
1 24 EXPLANATION
1 25 This bill requires that students who physically harm
1 26 another student or a school employee be suspended
1 27 automatically from school for a minimum of three days. The
1 28 bill allows the school board to waive the suspension after
1 29 review of the events at a meeting that is open to the public.
1 30 If the suspension is not waived, then the board shall decide
1 31 whether further disciplinary measures are needed. The bill
1 32 does not apply to students whose suspension or expulsion would
1 33 violate the federal Individuals With Disabilities Education
1 34 Act.
1 35 LSB 1913HH 83

House File 91 - Introduced continued

2 1 ak/nh/8

House File 92

HOUSE FILE
BY MAY

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

A BILL FOR

An Act relating to a property tax limitation for certain elderly persons, providing a penalty, and including an applicability date provision.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1427HH 83
md/mg:sc/5

House File 92 continued

PAG LIN

1 1 Section 1. NEW SECTION. 425B.1 HOMESTEAD PROPERTY TAX
1 2 ADJUSTMENT.
1 3 Persons who own their homesteads and who meet the
1 4 qualifications provided in this chapter are eligible for an
1 5 adjustment in the amount of property taxes due and payable on
1 6 their homesteads, as provided in this chapter.
1 7 Sec. 2. NEW SECTION. 425B.2 DEFINITIONS.
1 8 As used in this chapter, unless the context otherwise
1 9 requires:
1 10 1. "Base year" means the calendar year last ending before
1 11 the claim for adjustment is filed.
1 12 2. "Claimant" means a person filing a claim for adjustment
1 13 under this chapter who has attained the age of sixty=five
1 14 years on or before December 31 of the base year and is
1 15 domiciled in this state at the time the claim is filed or at
1 16 the time of the person's death in the case of a claim filed by
1 17 the executor or administrator of the claimant's estate.
1 18 3. "Homestead" means the dwelling owned and actually used
1 19 as a home by the claimant during any part of the fiscal year
1 20 beginning July 1 of the base year, and so much of the land
1 21 surrounding it including one or more contiguous lots or tracts
1 22 of land, as is reasonably necessary for use of the dwelling as
1 23 a home, and may consist of a part of a multidwelling or
1 24 multipurpose building and a part of the land upon which it is
1 25 built. It does not include personal property except that a
1 26 manufactured or mobile home may be a homestead. Any dwelling
1 27 or a part of a multidwelling or multipurpose building which is
1 28 exempt from taxation does not qualify as a homestead under
1 29 this chapter. A homestead must be located in this state.
1 30 When a person is confined in a nursing home, extended=care
1 31 facility, or hospital, the person shall be considered as
1 32 occupying or living in the person's homestead if the person is
1 33 the owner of the homestead and the person maintains the
1 34 homestead and does not lease, rent, or otherwise receive
1 35 profits from other persons for the use of the homestead.

House File 92 continued

2 1 4. "Owned" means owned by an owner as defined in section
2 2 425.11.
2 3 Sec. 3. NEW SECTION. 425B.3 QUALIFYING FOR ADJUSTMENT ==
2 4 FILING OF CLAIM.
2 5 1. A person who wishes to qualify for the property tax
2 6 adjustment allowed under this chapter shall obtain the
2 7 appropriate forms for filing for the adjustment from the
2 8 county auditor or county treasurer. The person claiming the
2 9 adjustment shall file a verified statement and designation of
2 10 homestead with the county auditor for the year for which the
2 11 person is first claiming the adjustment. The claim shall be
2 12 filed not later than July 1 of the year for which the person
2 13 is claiming the adjustment. A claim filed after July 1 of the
2 14 year for which the person is claiming the adjustment shall be
2 15 considered as a claim filed for the following year.
2 16 2. Upon the filing and allowance of the claim, the claim
2 17 shall be allowed on that homestead for successive years
2 18 without further filing as long as the property is legally or
2 19 equitably owned and used as a homestead by that person or that
2 20 person's spouse on July 1 of each of those successive years,
2 21 and the owner of the property being claimed as a homestead
2 22 declares residency in Iowa for purposes of income taxation,
2 23 and the property is occupied by that person or that person's
2 24 spouse for at least six months in each of those calendar years
2 25 in which the fiscal year begins. When the property is sold or
2 26 transferred, the buyer or transferee who wishes to qualify
2 27 shall refile for the adjustment. An owner who ceases to use a
2 28 property for a homestead or intends not to use it as a
2 29 homestead for at least six months in a calendar year shall
2 30 provide written notice to the county assessor by July 1
2 31 following the date on which the use is changed. A person who
2 32 sells or transfers a homestead or the personal representative
2 33 of a deceased person who had a homestead at the time of death,
2 34 shall provide written notice to the county auditor that the
2 35 property is no longer the homestead of the former claimant.

House File 92 continued

3 1 3. The right to file a claim for a property tax adjustment
3 2 under this chapter may be exercised by the claimant or on
3 3 behalf of a claimant by the claimant's legal guardian, spouse,
3 4 or attorney, or by the executor or administrator of the
3 5 claimant's estate. If a claimant dies after having filed a
3 6 claim for adjustment, the amount of any adjustment shall be
3 7 made as if the claimant had not died.
3 8 4. A person shall not make a claim for adjustment in more
3 9 than one county or for more than one dwelling in the same
3 10 county.
3 11 Sec. 4. NEW SECTION. 425B.4 VERIFICATION OF CLAIMS.
3 12 The county auditor shall retain a permanent file of current
3 13 property tax adjustment claims filed in the auditor's office.
3 14 The county auditor shall file a notice of transfer of property
3 15 for which a claim is filed when notice is received from the
3 16 office of the county recorder.
3 17 The county recorder shall give notice to the county auditor
3 18 of each transfer of title filed in the county recorder's
3 19 office. The notice shall describe the property transferred,
3 20 the name of the person transferring the title to the property,
3 21 and the name of the person to whom title to the property has
3 22 been transferred.
3 23 Not later than July 6 of each year, the county auditor
3 24 shall remit the statements and designation of homesteads to
3 25 the board of supervisors with the county auditor's
3 26 recommendation for allowance or disallowance. If the county
3 27 auditor recommends disallowance of a claim, the county auditor
3 28 shall submit the reasons for the recommendation, in writing,
3 29 to the board of supervisors.
3 30 The board shall allow or disallow the claims. If the board
3 31 disallows a claim, the board shall send written notice, by
3 32 mail, to the claimant at the claimant's last known address.
3 33 The notice shall state the reasons for disallowing the claim
3 34 for the property tax adjustment. The board is not required to
3 35 send notice that a claim is disallowed if the claimant

House File 92 continued

4 1 voluntarily withdraws the claim.
4 2 Sec. 5. NEW SECTION. 425B.5 ADJUSTMENT OF TAX DOLLARS
4 3 LEVIED == CREDIT ALLOWED.
4 4 1. a. The adjustment allowed under this chapter shall be
4 5 the amount computed in this section.
4 6 b. The county auditor shall determine the lesser of the
4 7 following:
4 8 (1) The product of the taxes due and payable on the
4 9 homestead in the previous fiscal year, excluding any
4 10 adjustment made under paragraph "c" for the previous fiscal
4 11 year, times one and two hundredths.
4 12 (2) The taxes due and payable by the claimant in the
4 13 current fiscal year.
4 14 c. If the lesser amount is the amount computed in
4 15 paragraph "b", subparagraph (1), the difference between the
4 16 amount in paragraph "b", subparagraph (2) and the amount in
4 17 paragraph "b", subparagraph (1), shall be the amount of the
4 18 property tax adjustment for the current fiscal year.
4 19 2. The amount of the property tax adjustment shall appear
4 20 as a credit on the claimant's property tax statement for the
4 21 current fiscal year.
4 22 Sec. 6. NEW SECTION. 425B.6 ADMINISTRATION.
4 23 The director of revenue shall make available suitable forms
4 24 for claiming property tax adjustments with instructions for
4 25 claimants. Each county auditor and county treasurer shall
4 26 make available the forms and instructions. The claim shall be
4 27 in a form as the director may prescribe.
4 28 Sec. 7. NEW SECTION. 425B.7 PROOF OF CLAIM.
4 29 1. In addition to the filing requirements in section
4 30 425B.3, subsection 1, every claimant shall give the county
4 31 auditor, in support of the claim, reasonable proof of:
4 32 a. Age.
4 33 b. Changes of homestead.
4 34 c. Household membership.
4 35 d. Size and nature of the property claimed as the

House File 92 continued

5 1 homestead.
5 2 2. The county auditor may require any additional proof
5 3 necessary to support a claim.
5 4 Sec. 8. NEW SECTION. 425B.8 AUDIT == DENIAL.
5 5 If on the audit of a claim for adjustment under this
5 6 chapter, the director of revenue determines the claim is not
5 7 allowable, the director shall notify the claimant of the
5 8 denial and the reasons for it. The director shall not deny a
5 9 claim after three years from October 31 of the year in which
5 10 the claim was filed. The director shall give notification to
5 11 the county auditor of the denial of the claim and the county
5 12 auditor shall instruct the county treasurer to proceed to
5 13 collect the tax that would have been levied in the same manner
5 14 as other property taxes due and payable are collected, if the
5 15 property on which the adjustment was granted is still owned by
5 16 the claimant.
5 17 Sec. 9. NEW SECTION. 425B.9 FALSE CLAIM == PENALTY.
5 18 A person who makes a false affidavit for the purpose of
5 19 obtaining an adjustment in property taxes provided for in this
5 20 chapter or who knowingly receives the adjustment without being
5 21 legally entitled to it or makes claim for the adjustment in
5 22 more than one county in the state without being legally
5 23 entitled to it is guilty of a fraudulent practice. The claim
5 24 for adjustment shall be disallowed in full and property tax
5 25 shall be levied in the amount that would have been levied but
5 26 for the adjustment. The director of revenue shall send a
5 27 notice of disallowance of the claim.
5 28 Sec. 10. NEW SECTION. 425B.10 STATUTES APPLICABLE.
5 29 To the extent not otherwise contrary, the provisions of
5 30 sections 425.30, 425.31, 425.32, and 425.37 apply to this
5 31 chapter.
5 32 Sec. 11. STATE FUNDING OF TAX CREDITS AND EXEMPTIONS ==
5 33 INAPPLICABILITY. The provisions in section 25B.7, relating to
5 34 the obligation of the state to reimburse local jurisdictions
5 35 for property tax credits and exemptions, do not apply to

House File 92 continued

chapter 425B, as enacted in this Act.

Sec. 12. APPLICABILITY. This Act applies to property taxes due and payable in the fiscal year beginning July 1, 2010, and all subsequent fiscal years.

EXPLANATION

This bill provides for an adjustment in the amount of property taxes due and payable on a homestead if the owner is a person who is 65 or older. If that qualification is met, the taxes levied on the homestead shall not increase by more than 2 percent over the previous fiscal year.

The bill provides that the provision in Code section 25B.7 that requires the state to fund reimbursement for property tax credits and exemptions does not apply to the adjustment in taxes provided for in the bill.

The bill applies to property taxes due and payable in the fiscal year beginning July 1, 2010, and subsequent fiscal years.

LSB 1427HH 83
md/mg:sc/5

House File 93 - Introduced

HOUSE FILE
BY MAY

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

A BILL FOR

An Act relating to the collection and distribution of civil penalties for water quality violations.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1369HH 83
tm/nh/8

House File 93 - Introduced continued

PAG LIN

1 1 Section 1. Section 29C.8A, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. An emergency response fund is created in the state
1 4 treasury. The first one hundred thousand dollars received
1 5 annually by the treasurer of state for the civil penalties and
1 6 fines imposed by the court pursuant to sections 455B.146,
1 7 ~~455B.191,~~ 455B.386, 455B.417, 455B.454, 455B.466, and 455B.477
1 8 shall be deposited in the waste volume reduction and recycling
1 9 fund created in section 455D.15. The next hundred thousand
1 10 dollars shall be deposited in the emergency response fund and
1 11 any additional moneys shall be deposited in the household
1 12 hazardous waste account. All moneys received annually by the
1 13 treasurer of the state for the fines imposed by sections
1 14 716B.2, 716B.3, and 716B.4 shall also be deposited in the
1 15 emergency response fund.
1 16 Sec. 2. Section 455B.109, subsection 5, Code 2009, is
1 17 amended to read as follows:
1 18 5. a. Except as provided in ~~paragraph~~ paragraphs "b" and
1 19 "c", civil penalties assessed by the department and interest
1 20 on the penalties shall be deposited in the general fund of the
1 21 state.
1 22 b. ~~The following provisions shall apply to animal feeding~~
~~1 23 operations:~~
1 24 ~~(1)~~ Civil penalties assessed by the department and
1 25 interest on the civil penalties, arising out of violations
1 26 involving animal feeding operations under chapter 459,
1 27 subchapter II, shall be deposited in the animal agriculture
1 28 compliance fund as created in section 459.401.
1 29 ~~(2) Civil penalties assessed by the department and~~
~~1 30 interest on the penalties, arising out of violations committed~~
~~1 31 by animal feeding operations under chapter 459, subchapter~~
~~1 32 III, which may be assessed pursuant to section 455B.191 or~~
~~1 33 459.604, shall also be deposited in the animal agriculture~~
~~1 34 compliance fund.~~
1 35 ~~(3) Civil penalties assessed by the department and~~

~~House File 93 - Introduced continued~~

~~2 1 interest on the civil penalties, arising out of violations~~
~~2 2 involving open feedlot operations under chapter 459A, shall be~~
~~2 3 deposited in the animal agriculture compliance fund as created~~
~~2 4 in section 459.401.~~
2 5 c. Civil penalties assessed by the department and interest
2 6 on the civil penalties which may be assessed pursuant to
2 7 section 455B.191; which arise out of violations committed by
2 8 animal feeding operations under chapter 459, subchapter III,
2 9 which may be assessed pursuant to section 455B.191 or 459.604;
2 10 and which arise out of violations involving open feedlot
2 11 operations under chapter 459A, shall be retained by the
2 12 department for distribution to the county conservation board
2 13 in the county in which the violation occurred. If the
2 14 violation occurred in more than one county, the moneys shall
2 15 be equitably distributed to the applicable county conservation
2 16 boards. Moneys received by a county conservation board under
2 17 this paragraph shall be used for water quality improvement
2 18 purposes.
2 19 Sec. 3. Section 459.603, Code 2009, is amended to read as
2 20 follows:
2 21 459.603 WATER QUALITY VIOLATIONS == CIVIL PENALTY.
2 22 A person who violates subchapter III shall be subject to a
2 23 civil penalty which shall be established, assessed, and
2 24 collected in the same manner as provided in section 455B.109
2 25 or 455B.191. Any civil penalty collected shall be ~~deposited~~
~~2 26 in the animal agriculture compliance fund created in section~~
~~2 27 459.401~~ collected and distributed in the manner provided in
2 28 section 455B.109, subsection 5.
2 29 Sec. 4. Section 459A.502, Code 2009, is amended to read as
2 30 follows:
2 31 459A.502 VIOLATIONS == CIVIL PENALTY.
2 32 A person who violates this chapter shall be subject to a
2 33 civil penalty which shall be established, assessed, and
2 34 collected in the same manner as provided in section 455B.191.
2 35 Any civil penalty collected and interest on a civil penalty

House File 93 - Introduced continued

3 1 shall be ~~deposited in the animal agriculture compliance fund~~
3 2 ~~created in section 459.401~~ collected and distributed in the
3 3 manner provided in section 455B.109, subsection 5. A person
3 4 shall not be subject to a penalty under this section and a
3 5 penalty under section 459.603 for the same violation.
3 6 EXPLANATION
3 7 This bill relates to the collection and distribution of
3 8 civil penalties for water quality violations.
3 9 Currently, civil penalties assessed by the department of
3 10 natural resources for water quality violations under Code
3 11 chapter 455B, for water quality violations under Code chapter
3 12 459, and for violations by open feedlot operations are
3 13 deposited in the general fund, the animal agriculture
3 14 compliance fund, and the emergency response fund.
3 15 The bill provides that civil penalties assessed by the
3 16 department and interest on the civil penalties which may be
3 17 assessed under Code chapter 455B, which arise out of water
3 18 quality violations committed by animal feeding operations
3 19 under Code chapter 459, and which arise out of violations
3 20 involving open feedlot operations shall be retained by the
3 21 department for distribution to the county conservation board
3 22 in the county in which the violation occurred. If the
3 23 violation occurred in more than one county, the moneys shall
3 24 be equitably distributed to the applicable county conservation
3 25 boards. The bill requires that moneys received by a county
3 26 conservation board from the civil penalties shall be used for
3 27 water quality improvement purposes.
3 28 LSB 1369HH 83
3 29 tm/nh/8

House File 94 - Introduced

HOUSE FILE
BY TYMESON

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

A BILL FOR

An Act requiring the state board of education to define student proficiency in mathematics and reading.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1918HH 83
kh/nh/14

House File 94 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.7, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 30. Define mathematics and reading
1 4 proficiency as performance at grade level as determined by
1 5 multiple assessments.
1 6 EXPLANATION
1 7 This bill directs the state board of education to adopt
1 8 rules defining mathematics and reading proficiency as
1 9 performance at grade level as determined by multiple
1 10 assessments.
1 11 LSB 1918HH 83
1 12 kh/nh/14

House File 95 - Introduced

HOUSE FILE
BY COMMITTEE ON REBUILD IOWA
AND DISASTER RECOVERY

(SUCCESSOR TO HSB 54)

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

A BILL FOR

An Act relating to the imposition of a local option sales tax after a disaster and providing an effective date.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1746HV 83
tm/sc/5

House File 95 - Introduced continued

PAG LIN

1 1 Section 1. A city or unincorporated area located in a
1 2 county in which the president of the United States declared a
1 3 disaster to exist at any time during 2008 may impose a local
1 4 option sales tax pursuant to chapter 423B using the procedure
1 5 provided in this section. A city or unincorporated area where
1 6 a local option sales tax is imposed pursuant to chapter 423B
1 7 on the effective date of this Act is prohibited from using
1 8 this section. The provisions of chapter 423B shall apply to
1 9 the imposition of a local option sales tax pursuant to this
1 10 section with the following exceptions:
1 11 1. Notwithstanding section 423B.1, subsection 3,
1 12 subsection 6, paragraph "a", and subsection 9, and section
1 13 423B.5, unnumbered paragraph 1, cities contiguous to each
1 14 other shall not be treated as part of one incorporated area
1 15 for purposes of the election on, imposition of, and repeal of
1 16 a local option sales and services tax. For purposes of this
1 17 Act, a local option sales and services tax shall be imposed in
1 18 a city only if a majority of the votes cast in the city on the
1 19 proposition favors the imposition of the tax, and a local
1 20 option sales and services tax shall be imposed in an
1 21 unincorporated area of a county only if a majority of the
1 22 votes cast in the unincorporated area on the proposition
1 23 favors the imposition of the tax.
1 24 2. a. For purposes of section 423B.1, subsection 4, a
1 25 motion by the governing body of a city or county requesting
1 26 that the question of imposition of a local sales and services
1 27 tax be submitted to the registered voters must be received by
1 28 the county commissioner of elections by 5:00 p.m. on February
1 29 3, 2009, or by 5:00 p.m. on March 10, 2009. If the fifty
1 30 percent threshold required in section 423B.1, subsection 4,
1 31 paragraph "b", is met in a county by the February 3, 2009,
1 32 deadline, then by February 8, 2009, or as soon as practicable,
1 33 the county commissioner of elections shall publish notice of
1 34 the ballot proposition concerning the imposition of the local
1 35 sales and services tax. If the fifty percent threshold

House File 95 - Introduced continued

2 1 required in section 423B.1, subsection 4, paragraph "b", is
2 2 met in a county by the March 10, 2009, deadline, then by March
2 3 15, 2009, or as soon as practicable, the county commissioner
2 4 of elections shall publish notice of the ballot proposition
2 5 concerning the imposition of the local sales and services tax.
2 6 b. The petition method described in section 423B.1,
2 7 subsection 4, paragraph "a", for requesting the submission of
2 8 the question of the imposition of a local option sales and
2 9 services tax to the registered voters shall not apply under
2 10 this Act.
2 11 3. Notwithstanding section 423B.1, subsection 5, and
2 12 pursuant to section 39.2, subsection 4, the question of the
2 13 imposition of a local option sales and services tax shall be
2 14 submitted at an election held on March 3, 2009, if the
2 15 February 3, 2009, deadline provided in subsection 2 of this
2 16 section is met, and on May 5, 2009, if the March 10, 2009,
2 17 deadline provided in subsection 2 of this section is met.
2 18 4. Notwithstanding section 423B.1, subsection 5, and
2 19 section 423B.6, subsection 1, paragraph "a", the imposition
2 20 date for a local option sales and services tax approved at an
2 21 election held pursuant to this Act, on March 3, 2009, shall be
2 22 April 1, 2009, and the imposition date for a local option
2 23 sales and services tax approved at an election held pursuant
2 24 to this Act, on May 5, 2009, shall be July 1, 2009.
2 25 5. Notwithstanding section 423B.7, subsection 4, for a
2 26 local option sales and services tax imposed pursuant to this
2 27 Act, the three=year period referenced in section 423B.7,
2 28 subsection 4, shall be the three=year period beginning July 1,
2 29 2004, and ending June 30, 2007. This subsection shall not
2 30 apply to a city or the unincorporated area of a county that is
2 31 imposing a local option sales and services tax on the
2 32 effective date of this Act.
2 33 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
2 34 immediate importance, takes effect upon enactment.
2 35 EXPLANATION

House File 95 - Introduced continued

This bill allows a city or unincorporated area located in a county in which the president of the United States declared a disaster to exist at any time during 2008 to impose a local option sales and services tax pursuant to Code chapter 423B using an expedited procedure. A city or unincorporated area where a local option sales and services tax is already imposed pursuant to Code chapter 423B on the effective date of the bill is prohibited from using the provisions in this bill. The provisions of Code chapter 423B apply to the imposition of a local option sales and services tax under the expedited process with the following exceptions:

1. The bill provides that cities and counties contiguous to each other shall not be treated as part of one incorporated area for purposes of the election on, imposition of, and repeal of a local option sales and services tax. The bill provides that a local option sales and services tax shall be imposed in a city only if a majority of the votes cast in the city on the proposition favors the imposition of the tax, and a local option sales and services tax shall be imposed in an unincorporated area of a county only if a majority of the votes cast in the unincorporated area on the proposition favors the imposition of the tax.

2. The bill provides that a motion by the governing body of a city or county requesting that the question of imposition of a local option sales and services tax be submitted to the registered voters must be received by the county commissioner of elections by February 3, 2009, or by March 10, 2009. If the 50 percent threshold required in Code section 423B.1, subsection 4, paragraph "b", is met in a county by the February 3, 2009, deadline, then by February 8, 2009, or as soon as practicable, the county commissioner of elections shall publish notice of the ballot proposition concerning the imposition of the local option sales and services tax. If the 50 percent threshold required in Code section 423B.1, subsection 4, paragraph "b", is met in a county by the March

House File 95 - Introduced continued

10, 2009, deadline, then by March 15, 2009, or as soon as practicable, the county commissioner of elections shall publish notice of the ballot proposition concerning the imposition of the local option sales and services tax.

3. The bill provides that the question of the imposition of a local option sales and services tax shall be submitted at an election held on March 3, 2009, if the February 3, 2009, deadline is met, and on May 5, 2009, if the March 10, 2009, deadline is met.

4. The bill provides that the imposition date for a local option sales and services tax approved at an election held on March 3, 2009, shall be April 1, 2009, and the imposition date for a tax approved at an election held on May 5, 2009, shall be July 1, 2009.

5. The bill, for purposes of a local option sales and services tax imposed under the bill, amends a three=year period used for purposes of distribution of tax receipts. The amended three=year period does not apply to a city or the unincorporated area of a county that is imposing a local option sales and services tax on the effective date of this Act.

The bill takes effect upon enactment.

LSB 1746HV 83
tm/sc/5

House Joint Resolution 3

HOUSE JOINT RESOLUTION
BY WINDSCHITL, SCHULTZ, STRUYK,
KOESTER, SORENSON, and DEYOE

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

HOUSE JOINT RESOLUTION

A Joint Resolution proposing an amendment to the Constitution of the State of Iowa relating to the sessions of the General Assembly.
BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1778YH 83
ec/rj/14

House Joint Resolution 3 continued

PAG LIN

1 1 Section 1. The following amendment to the Constitution of
1 2 the State of Iowa is proposed:
1 3 Section 2 of Article III of the Constitution of the State
1 4 of Iowa, as amended by amendment number 1 of the Amendments of
1 5 1968 and by amendment number 2 of the Amendments of 1974, is
1 6 repealed and the following adopted in lieu thereof:
1 7 BIENNIAL SESSIONS OF GENERAL ASSEMBLY == SPECIAL SESSIONS.
1 8 SEC. 2. The sessions of the General Assembly shall be
1 9 biennial, and shall commence on the second Monday in January
1 10 next ensuing the election of its members. Upon written
1 11 request to the presiding officer of each House of the General
1 12 Assembly by two=thirds of the members of each House, the
1 13 General Assembly shall convene in special session. The
1 14 Governor of the state may convene the General Assembly by
1 15 proclamation in the interim.
1 16 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
1 17 to the Constitution of the State of Iowa is referred to the
1 18 General Assembly to be chosen at the next general election for
1 19 members of the General Assembly, and the Secretary of State is
1 20 directed to cause the same to be published for three
1 21 consecutive months previous to the date of that election as
1 22 provided by law.
1 23 EXPLANATION
1 24 This joint resolution proposes an amendment to the
1 25 Constitution of the State of Iowa relating to sessions of the
1 26 General Assembly. The resolution provides for biennial
1 27 sessions of the General Assembly instead of annual sessions
1 28 which shall commence in the year following election of its
1 29 members.
1 30 The resolution, if adopted, would be referred to the next
1 31 General Assembly for adoption a second time before being
1 32 submitted to the electorate for ratification.
1 33 LSB 1778YH 83
1 34 ec/rj/14

House Resolution 4 - Introduced

PAG LIN

H.R. _____ S.R. _____

1 1 HOUSE RESOLUTION NO. ___
1 2 BY MURPHY and PAULSEN
1 3 A Resolution to honor the memory of former Representative
1 4 Rosemary Thomson.
1 5 WHEREAS, Rosemary Thomson came to the House of
1 6 Representatives in 1995 with an extensive background
1 7 in education; and
1 8 WHEREAS, with the experience and knowledge of a
1 9 career educator and substance abuse prevention
1 10 specialist, Representative Thomson served as the
1 11 Vice=chair of the Committee on Education; and
1 12 WHEREAS, in her years at the General Assembly,
1 13 Representative Thomson also served on the Committees
1 14 on Economic Development, Environmental Protection,
1 15 Human Resources, Judiciary, Natural Resources, and
1 16 State Government, and the Health and Human Rights
1 17 Appropriations Subcommittee; and
1 18 WHEREAS, her dedication to public education won her
1 19 the respect of her legislative colleagues and
1 20 constituents alike; NOW THEREFORE,
1 21 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
1 22 That the House of Representatives rises to honor the
1 23 life and memory of Rosemary Thomson and to celebrate
1 24 her work on behalf of the people of Iowa.
1 25 LSB 1880HH 83
1 26 jr/rj/14.1

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

House Study Bill 100

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

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

A BILL FOR

An Act relating to the admissibility of medical records and bills in civil cases.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1738HC 83
rh/rj/14

House Study Bill 100 continued

PAG LIN

1 1 Section 1. NEW SECTION. 622.4 ADMISSIBILITY OF MEDICAL
1 2 RECORDS AND BILLS.
1 3 1. In a civil action in which a plaintiff claims that
1 4 health care treatment was necessitated or will be necessitated
1 5 by the events giving rise to the claim or in which the
1 6 plaintiff is seeking medical, hospital, or disability
1 7 benefits, any party may offer the records and billing
1 8 statements of a care provider who provided such treatment, or
1 9 portions thereof, into evidence. Such records may include
1 10 letters or reports by the care provider, including those made
1 11 in connection with the action, that include opinions by the
1 12 care provider regarding the plaintiff's diagnosis, prognosis,
1 13 impairment, causation, or future treatment needs and costs.
1 14 2. A party intending to offer records or billing
1 15 statements of a care provider into evidence pursuant to this
1 16 section shall notify all parties of the party's intent to do
1 17 so on or before the party's deadline to designate expert
1 18 witnesses pursuant to court order or rule. The notice shall
1 19 identify the records and billing statements, or portions
1 20 thereof, that the party intends to offer. Not less than
1 21 thirty days before trial, a party shall provide all other
1 22 parties with copies of the records and billing statements, or
1 23 portions thereof, that the party intends to offer in the
1 24 exhibit form in which they will be offered.
1 25 3. a. A record or billing statement offered pursuant to
1 26 this section is admissible without supporting evidence or
1 27 testimony to identify or authenticate the record or billing
1 28 statement and to establish that the record or billing
1 29 statement is a record of a regularly conducted business
1 30 activity.
1 31 b. A record offered pursuant to this section is competent
1 32 evidence to identify or authenticate a record of all of the
1 33 following:
1 34 (1) The existence and treatment of the plaintiff's
1 35 medical, dental, or other health condition and that the

House Study Bill 100 continued

2 1 treatment described in the record was reasonable and necessary
2 2 to treat the conditions stated.
2 3 (2) The opinions of the care provider as they relate to
2 4 the diagnosis, prognosis, causation, and future treatment
2 5 needs and costs of the plaintiff.
2 6 c. A billing statement offered pursuant to this section is
2 7 competent evidence of the amount and reasonableness of the
2 8 charges for the treatment or materials provided.
2 9 4. This section shall not prohibit a party, including a
2 10 party offering records or billing statements under this
2 11 section, from objecting to the admissibility of records or
2 12 billing statements or portions thereof, or from redacting
2 13 information in such records or billing statements, on any
2 14 other grounds. If the party offering records or billing
2 15 statements under this section has made any redactions thereto,
2 16 the party shall notify all parties about the redactions at the
2 17 time that the records or billing statements are provided in
2 18 exhibit form. A party who objects to the form of a record or
2 19 billing statement or to some or all of its content, or to
2 20 redactions made thereto by the offering party, shall raise the
2 21 objection with the court within ten days of service upon that
2 22 party of the record or billing statement in exhibit form. If
2 23 a party contests the authenticity or identification of a
2 24 record or billing statement offered pursuant to this section,
2 25 or claims that the offered record or billing statement was not
2 26 made in the regular course of the business of the care
2 27 provider, the burden shall be on the objecting party to prove
2 28 such to the court.
2 29 5. The finder of fact may attach whatever weight to
2 30 records and billing statements admitted under this section
2 31 that the finder of fact deems appropriate.
2 32 6. This section shall not be construed to do any of the
2 33 following:
2 34 a. Prohibit any party, including an offering party, from
2 35 examining a care provider by deposition or at trial at that

House Study Bill 100 continued

3 1 party's expense or from presenting supporting or contrary
3 2 expert testimony.
3 3 b. Impose a duty upon a care provider to provide the care
3 4 provider's opinions in letter or report form, except as
3 5 otherwise required by law.
3 6 c. Alter the rights and limitations of a party or that
3 7 party's legal counsel to communicate with a care provider
3 8 pursuant to section 622.10.
3 9 7. As used in this section, "care provider" means any
3 10 physician or surgeon, physician assistant, advanced registered
3 11 nurse practitioner, mental health professional, dentist,
3 12 chiropractor, or other person who furnishes health care in the
3 13 regular course of business.
3 14 8. This section does not apply to records or billing
3 15 statements of a care provider retained by the plaintiff in
3 16 anticipation of litigation or for trial even though such care
3 17 providers may have provided treatment to the plaintiff.
3 18 EXPLANATION
3 19 This bill relates to the admissibility of medical records
3 20 and billing statments in civil cases.
3 21 The bill provides that in a civil action in which a
3 22 plaintiff claims that health care treatment was necessitated
3 23 or will be necessitated by the events giving rise to the claim
3 24 or in which the plaintiff is seeking medical, hospital, or
3 25 disability benefits, any party may offer the records and
3 26 billing statements of a care provider who provided such
3 27 treatment, or portions thereof, into evidence. Such records
3 28 may include letters or reports by the care provider that
3 29 include opinions by the care provider regarding the
3 30 plaintiff's diagnosis, prognosis, impairment, causation, or
3 31 future treatment needs and costs. The bill defines "care
3 32 provider" as any physician or surgeon, physician assistant,
3 33 advanced registered nurse practitioner, mental health
3 34 professional, dentist, chiropractor, or other person who
3 35 furnishes health care in the regular course of business.

House Study Bill 100 continued

4 1 The bill provides that a party intending to offer records
4 2 or billing statements of a care provider into evidence shall
4 3 notify all parties of the party's intent to do so on or before
4 4 the party's deadline to designate expert witnesses pursuant to
4 5 court order or rule. The notice shall identify the records
4 6 and billing statements, or portions thereof, that the party
4 7 intends to offer. Not less than 30 days before trial, the
4 8 party shall provide all parties with copies of the records and
4 9 billing statements, or portions thereof, that the party
4 10 intends to offer in the exhibit form in which they will be
4 11 offered.
4 12 The bill provides that a record or billing statement is
4 13 admissible without supporting evidence or testimony to
4 14 identify or authenticate the record or billing statement and
4 15 to establish that the record or billing statement is a record
4 16 of a regularly conducted business activity. A record that is
4 17 offered is competent evidence to identify or authenticate a
4 18 record of all of the existence and treatment of the
4 19 plaintiff's medical, dental, or other health condition and
4 20 that the treatment reflected therein was reasonable and
4 21 necessary to treat the conditions stated and the opinions of
4 22 the care provider as they relate to the diagnosis, prognosis,
4 23 causation, and future treatment needs and costs of the
4 24 plaintiff. A billing statement that is offered is competent
4 25 evidence of the amount and reasonableness of the charges for
4 26 the treatment or materials provided.
4 27 The bill does not prohibit a party from objecting to the
4 28 admissibility of records or statements or portions thereof, or
4 29 from redacting information in such records or statements, on
4 30 any other grounds. If the party offering records or billing
4 31 statements has made any redactions, the party shall notify all
4 32 parties about the redactions at the time that the records or
4 33 billing statements are provided in exhibit form. A party who
4 34 objects to the form of a record or billing statement or to
4 35 some or all of its content, or to redactions made by the

House Study Bill 100 continued

5 1 offering party, shall raise the objection with the court
5 2 within 10 days of service upon that party of the record or
5 3 billing statement in exhibit form. If a party contests the
5 4 authenticity or identification of a record or billing
5 5 statement offered pursuant to this section, or claims that the
5 6 offered record or billing statement was not made in the
5 7 regular course of the business of the care provider, the
5 8 burden shall be on the objecting party to prove such to the
5 9 court.
5 10 The bill does not prohibit any party from examining a care
5 11 provider by deposition or at trial at that party's expense or
5 12 from presenting supporting or contrary expert testimony, does
5 13 not impose a duty upon a care provider to provide the care
5 14 provider's opinions in letter or report form, and does not
5 15 alter the rights and limitations of a party or that party's
5 16 legal counsel to communicate with a care provider pursuant to
5 17 Code section 622.10.
5 18 The bill does not apply to records or billing statements of
5 19 a care provider retained by the plaintiff in anticipation of
5 20 litigation or for trial even though such care providers may
5 21 have provided treatment to the plaintiff.
5 22 LSB 1738HC 83
5 23 rh/rj/14

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

House Study Bill 101

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

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

A BILL FOR

An Act relating to automobile or motor vehicle insurance coverage of liability arising from uninsured, underinsured, or hit=and=run motorists.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1752HC 83
av/nh/5

House Study Bill 101 continued

PAG LIN

1 1 Section 1. Section 516A.1, Code 2009, is amended to read
1 2 as follows:
1 3 516A.1 COVERAGE INCLUDED IN EVERY LIABILITY POLICY ==
1 4 REJECTION BY INSURED.
1 5 1. ~~No~~ An automobile liability or motor vehicle liability
1 6 insurance policy insuring against liability for bodily injury
1 7 or death arising out of the ownership, maintenance, or use of
1 8 a motor vehicle shall not be delivered or issued for delivery
1 9 in this state with respect to any motor vehicle registered or
1 10 principally garaged in this state, unless coverage is provided
1 11 in such policy or supplemental thereto, for the protection of
1 12 persons insured under such policy who are legally entitled to
1 13 recover damages from the owner or operator of an uninsured
1 14 motor vehicle or a hit=and=run motor vehicle or an
1 15 underinsured motor vehicle because of bodily injury, sickness,
1 16 or disease, including death resulting therefrom, caused by
1 17 accident and arising out of the ownership, maintenance, or use
1 18 of such uninsured or underinsured motor vehicle, or arising
1 19 out of physical contact ~~of~~ with, or reasonable avoidance of
1 20 physical contact with, such hit=and=run motor vehicle with the
1 21 person insured or with a motor vehicle which the person
1 22 insured is occupying at the time of the accident. Both the
1 23 uninsured motor vehicle or hit=and=run motor vehicle coverage,
1 24 and the underinsured motor vehicle coverage shall include
1 25 limits for bodily injury or death at least equal to ~~those~~
~~1 26 stated in section 321A.1, subsection 11~~ the limits of
1 27 liability for the bodily injury portion of the insurance
1 28 policy. The form and provisions of such coverage shall be
1 29 examined and approved by the commissioner of insurance.
1 30 2. ~~However, the~~ The named insured may reject all of ~~such~~
1 31 the coverage required in subsection 1, or reject the uninsured
1 32 motor vehicle (hit=and=run motor vehicle) coverage, or reject
1 33 the underinsured motor vehicle coverage, by written rejections
1 34 signed by the named insured. If rejection is made on a form
1 35 or document furnished by an insurance company or insurance

House Study Bill 101 continued

2 1 producer, ~~it~~ the rejection shall be on a separate sheet of
2 2 paper which contains only the rejection and information
2 3 directly related to ~~it~~ the rejection, including an explanation
2 4 of the coverage being rejected and the amount of the premium
2 5 associated with the coverage being rejected. Such coverage
2 6 need not be provided in or supplemental to a renewal policy if
2 7 the named insured has rejected the coverage in connection with
2 8 a policy previously issued to the named insured by the same
2 9 insurer.
2 10 Sec. 2. Section 516A.2, Code 2009, is amended to read as
2 11 follows:
2 12 516A.2 CONSTRUCTION == MINIMUM COVERAGE == ~~STACKING~~
2 13 STEP=DOWN PROVISIONS.
2 14 1. ~~Except with respect to a policy containing both~~
2 15 ~~underinsured motor vehicle coverage and uninsured or~~
2 16 ~~hit=and=run motor vehicle coverage, nothing~~ Nothing contained
2 17 in this chapter shall be construed as requiring forms of
2 18 coverage provided pursuant hereto, whether alone or in
2 19 combination with similar coverage afforded under other
2 20 automobile liability or motor vehicle liability policies, to
2 21 afford limits in excess of those that would be afforded had
2 22 the insured thereunder been involved in an accident with a
2 23 motorist who was insured under a policy of liability insurance
2 24 with the minimum limits for bodily injury or death prescribed
2 25 in subsection 11 of section 321A.1. Such forms of coverage
2 26 may include terms, exclusions, limitations, conditions, and
2 27 offsets which are designed to avoid ~~duplication of insurance~~
2 28 ~~or other benefits~~ duplicate payment of damages.
2 29 ~~To the extent that Hernandez v. Farmers Insurance Company,~~
2 30 ~~460 N.W.2d 842 (Iowa 1990), provided for interpolicy stacking~~
2 31 ~~of uninsured or underinsured coverages in contravention of~~
2 32 ~~specific contract or policy language, the general assembly~~
2 33 ~~declares such decision abrogated and declares that the~~
2 34 ~~enforcement of the antistacking provisions contained in a~~
2 35 ~~motor vehicle insurance policy does not frustrate the~~

~~House Study Bill 101 continued~~

~~3 1 protection given to an insured under section 516A.1.~~
3 2 ~~2. Pursuant to chapter 17A, the commissioner of insurance~~
~~3 3 shall, by January 1, 1992, adopt rules to assure the~~
~~3 4 availability, within the state, of motor vehicle insurance~~
~~3 5 policies, riders, endorsements, or other similar forms of~~
~~3 6 coverage, the terms of which shall provide for the stacking of~~
~~3 7 uninsured and underinsured coverages with any similar coverage~~
~~3 8 which may be available to an insured.~~
3 9 ~~3. It is the intent of the general assembly that when more~~
~~3 10 than one motor vehicle insurance policy is purchased by or on~~
~~3 11 behalf of an injured insured and which provides uninsured,~~
~~3 12 underinsured, or hit=and=run motor vehicle coverage to an~~
~~3 13 insured injured in an accident, the injured insured is~~
~~3 14 entitled to recover up to an amount equal to the highest~~
~~3 15 single limit for uninsured, underinsured, or hit=and=run motor~~
~~3 16 vehicle coverage under any one of the above described motor~~
~~3 17 vehicle insurance policies insuring the injured person which~~
~~3 18 amount shall be paid by the insurers according to any priority~~
~~3 19 of coverage provisions contained in the policies insuring the~~
~~3 20 injured person.~~
3 21 2. A policy to which this chapter applies shall not
3 22 include exclusions or step=down provisions that eliminate or
3 23 reduce uninsured or underinsured coverage for a person who
3 24 would otherwise be covered under the policy, for the reason
3 25 that the person is injured by, or while occupying a vehicle
3 26 being operated by, another person insured under the policy.
3 27 Sec. 3. Section 516A.4, Code 2009, is amended to read as
3 28 follows:
3 29 516A.4 INSURER MAKING PAYMENT == REIMBURSEMENT ==
3 30 SETTLEMENT == SUBSTITUTE TENDER == GOOD FAITH.
3 31 1. In the event of payment to any person under the
3 32 coverage required by this chapter and subject to the terms and
3 33 conditions of such coverage, the insurer making such payment
3 34 shall, to the extent thereof, be entitled to the proceeds of
3 35 any settlement or judgment resulting from the exercise of any

House Study Bill 101 continued

4 1 rights of recovery of such person against any person or
4 2 organization legally responsible for the bodily injury for
4 3 which such payment is made, including the proceeds recoverable
4 4 from the assets of the insolvent insurer, to the extent that
4 5 the proceeds of the resulting settlement or judgment, when
4 6 combined with such payment made by the insurer, exceed such
4 7 person's damages. The person to whom said payment is made
4 8 under the insolvency protection required by this chapter shall
4 9 to the extent thereof, be deemed to have waived any right to
4 10 proceed to enforce such a judgment against the assets of the
4 11 judgment debtor who was insured by the insolvent insurer whose
4 12 insolvency resulted in said payment being made, other than
4 13 assets recovered or recoverable by such judgment debtor from
4 14 such insolvent insurer.
4 15 2. An insurer providing coverage under this chapter shall,
4 16 within thirty days after receipt of a written request for
4 17 permission to settle with any person or organization legally
4 18 responsible for bodily injury for which coverage is provided
4 19 under this chapter, either give consent to the settlement or
4 20 tender substitute payment of the settlement amount. Failure
4 21 of the insurer to give such consent or to tender substitute
4 22 payment shall constitute the insurer's consent to the
4 23 settlement and shall bar the insurer from claiming that the
4 24 settlement prejudiced the insurer's rights under the policy or
4 25 this section.
4 26 3. An insurer that pursues, through subrogation or
4 27 assignment, a claim against any person or organization legally
4 28 responsible for bodily injury for which the insurer has made
4 29 payments under this chapter, shall include in such claim all
4 30 damages of the subrogor or assignor of the claim, and shall
4 31 tender to the subrogor or assignor any amounts to which the
4 32 subrogor or assignor would have been entitled under subsection
4 33 1 if the subrogor or assignor had directly pursued the claim.
4 34 4. An insurer shall act in good faith in response to a
4 35 claim for benefits under coverage required by this chapter.

House Study Bill 101 continued

5 1 An insurer who fails to act in good faith in response to such
5 2 a claim for benefits shall be liable to the person owed such
5 3 benefits for all damages caused by such failure, including
5 4 interest, reasonable attorney fees and expenses, and punitive
5 5 damages if the required showing is made pursuant to chapter
5 6 668A. For the purposes of this subsection, "good faith" means
5 7 an informed judgment based on honesty and diligence, supported
5 8 by evidence that the insurer knew or should have known at the
5 9 time the insurer made a decision on the claim. The insurer
5 10 shall have the burden of proving that it acted in good faith.
5 11 EXPLANATION
5 12 This bill relates to automobile or motor vehicle insurance
5 13 coverage of liability arising from uninsured, underinsured, or
5 14 hit=and=run motorists.
5 15 Code section 516A.1 is amended to require coverage for
5 16 damages arising out of reasonable avoidance of physical
5 17 contact with a hit=and=run motor vehicle. Coverage is also
5 18 required for uninsured, underinsured, and hit=and=run motor
5 19 vehicle liability that equals the limits of liability for the
5 20 bodily injury portion of the insurance policy instead of the
5 21 statutory amounts required for proof of financial
5 22 responsibility in Code section 321A.1(11). A form furnished
5 23 by the insurance company allowing an insured to reject any or
5 24 all of the required coverage must include an explanation of
5 25 the coverage being rejected and the amount of the premium
5 26 associated with the coverage being rejected.
5 27 Code section 516A.2(1) is amended to provide that such
5 28 coverage may include provisions that are designed to avoid
5 29 duplicate payment of damages. The remainder of Code sections
5 30 516A.2(1) and 516A.2(2) relating to stacking of uninsured and
5 31 underinsured coverages, and Code section 516A.2(3) relating to
5 32 coverage under multiple motor vehicle insurance policies of
5 33 one insured, are stricken. Code section 516A.2 is amended to
5 34 prohibit exclusions or step=down provisions in motor vehicle
5 35 insurance policies that eliminate or reduce uninsured or

House Study Bill 101 continued

6 1 underinsured coverage for a person who would otherwise be
6 2 covered under the policy, because the person is injured by, or
6 3 while in a vehicle being operated by, another person insured
6 4 under the policy.
6 5 Code section 516A.4(1) is amended to provide that an
6 6 insurer who has made payments under a policy to an injured
6 7 party is entitled to proceeds of a resulting settlement or
6 8 judgment against the person responsible for those damages only
6 9 to the extent that the proceeds combined with payment made by
6 10 the insurer exceed the injured party's damages.
6 11 Code section 516A.4(2) provides that an insurer has 30 days
6 12 after receipt of a request to settle against the responsible
6 13 party, to either consent to the settlement or to tender
6 14 substitute payment of the settlement amount, or such failure
6 15 will constitute consent and bar the insurer from claiming
6 16 prejudice as a result of the settlement.
6 17 Code section 516A.4(3) provides that when an insurer
6 18 pursues a claim, through subrogation or assignment, against
6 19 the party responsible for bodily injury for which the insurer
6 20 has made payments, the insurer shall include the damages of
6 21 the subrogor or assignor and tender the amount to the assignor
6 22 or subrogor that the person would have been entitled to if
6 23 that person had pursued the claim directly.
6 24 Code section 516A.4(4) requires an insurer to act in good
6 25 faith in response to a claim for uninsured, underinsured, or
6 26 hit=and=run benefits under Code chapter 516A and provides that
6 27 an insurer that does not act in good faith is liable to the
6 28 person owed such benefits for all damages caused by that
6 29 failure, including interest, reasonable attorney fees and
6 30 expenses, and punitive damages upon the showing required under
6 31 Code chapter 668A. For the purposes of this provision, "good
6 32 faith" means an informed judgment based on honesty and
6 33 diligence, supported by evidence that the insurer knew or
6 34 should have known at the time the insurer made a decision on
6 35 the claim. The insurer has the burden of proving that it

House Study Bill 101 continued

```
  7  1 acted in good faith.
  7  2 LSB 1752HC 83
  7  3 av/nh/5
```

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

House Study Bill 102

SENATE/HOUSE FILE
BY (PROPOSED JUDICIAL
BRANCH BILL)

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

A BILL FOR

An Act relating to courthouse security, lease purchase agreements, and the issuance of bonds for building projects on certain buildings occupied by the judicial branch, and making an appropriation.

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

TLSB 1403XD 83
jm/rj/5

House Study Bill 102 continued

PAG LIN

1 1 Section 1. Section 331.301, subsection 10, paragraph e,
1 2 subparagraph (1), unnumbered paragraph 2, Code 2009, is
1 3 amended to read as follows:
1 4 However, if the principal amount of a lease or
1 5 lease=purchase contract pursuant to this subparagraph is less
1 6 than twenty=five thousand dollars, the board may authorize the
1 7 lease or lease=purchase contract without following the
1 8 authorization procedures of section 331.443. If a lease or
1 9 lease=purchase contract involves real property that is a
1 10 public building which is or will be more than fifty percent
1 11 occupied by the judicial branch, the board may authorize the
1 12 lease or lease=purchase contract without following the
1 13 authorization procedures of section 331.443.
1 14 Sec. 2. Section 331.441, subsection 2, paragraph b,
1 15 subparagraph (5), subparagraph division (b), Code 2009, is
1 16 amended to read as follows:
1 17 (b) Seven hundred fifty thousand dollars in a county
1 18 having a population of more than twenty=five thousand but not
1 19 more than fifty thousand, except as provided in subparagraph
1 20 (18).
1 21 Sec. 3. Section 331.441, subsection 2, paragraph b, Code
1 22 2009, is amended by adding the following new subparagraph:
1 23 NEW SUBPARAGRAPH. (18) Public buildings which are or will
1 24 be more than fifty percent occupied by the judicial branch in
1 25 counties with a population of more than twenty=five thousand
1 26 but not more than fifty thousand.
1 27 Sec. 4. Section 602.1304, subsection 2, paragraph a, Code
1 28 2009, is amended to read as follows:
1 29 a. The enhanced court collections fund is created in the
1 30 state treasury under the authority of the supreme court. The
1 31 fund shall be separate from the general fund of the state and
1 32 the balance in the fund shall not be considered part of the
1 33 balance of the general fund of the state. Notwithstanding
1 34 section 8.33, moneys in the fund shall not revert to the
1 35 general fund, unless and to the extent the total amount of

House Study Bill 102 continued

2 1 moneys deposited ~~into~~ in the fund in a fiscal year would
2 2 exceed the maximum annual deposit amount established for the
2 3 collections fund by the general assembly. The ~~initial~~ maximum
2 4 annual deposit amount for a fiscal year is ~~four~~ five million
2 5 dollars. Notwithstanding section 12C.7, subsection 2,
2 6 interest or earnings on moneys in the collections fund shall
2 7 remain in the collections fund and any interest and earnings
2 8 shall be in addition to the maximum annual deposit amount.
2 9 Sec. 5. Section 602.1304, subsection 2, paragraph c, Code
2 10 2009, is amended to read as follows:
2 11 c. ~~Moneys in the collections fund~~ The first four million
2 12 dollars deposited in the fund during the fiscal year shall be
2 13 used by the judicial branch for the Iowa court information
2 14 system; records management equipment, services, and projects;
2 15 other technological improvements; electronic legal research
2 16 equipment, systems, and projects; and the study, development,
2 17 and implementation of other innovations and projects that
2 18 would improve the administration of justice. ~~The~~ Such moneys
2 19 ~~in the collection fund~~ may also be used for capital
2 20 improvements necessitated by the installation of or connection
2 21 with the Iowa court information system, the Iowa
2 22 communications network, and other technological improvements
2 23 approved by the judicial branch.
2 24 Sec. 6. Section 602.1304, subsection 2, Code 2009, is
2 25 amended by adding the following new paragraph:
2 26 NEW PARAGRAPH. d. If the moneys deposited in the fund
2 27 exceeds four million dollars during the fiscal year, up to one
2 28 million dollars of the excess shall be used by the judicial
2 29 branch to establish a court security grant program. The
2 30 program shall make grant awards to counties for the purpose of
2 31 providing and improving court security. The moneys shall be
2 32 used by counties for the purchase of security equipment and
2 33 building improvements that enhance court security. The
2 34 supreme court shall prescribe rules to administer the court
2 35 security grant program.

House Study Bill 102 continued

3 1 EXPLANATION
3 2 This bill relates to courthouse security, lease=purchase
3 3 contracts, and the issuance of bonds for building projects on
3 4 certain buildings occupied by the judicial branch.
3 5 The bill provides that if the real property at interest is
3 6 a public building which is or will be at least 51 percent
3 7 occupied by the judicial branch, the board may authorize the
3 8 lease or lease=purchase contract without following the same
3 9 authorization procedures set forth in Code section 331.443 for
3 10 the issuance of essential county purpose bonds.
3 11 The bill also provides that a proposed building project for
3 12 a public building which is or will be at least 51 percent
3 13 occupied by the judicial branch is exempt from a county vote
3 14 on the issuance of bonds to fund the project in a county
3 15 having a population of more than 25,000 but not more than
3 16 50,000. Any proposed project applicable under the bill would
3 17 be considered an "essential county purpose" and the issuance
3 18 of any bonds would not be subject to a county vote but would
3 19 be subject to the essential county purpose bond provisions in
3 20 Code section 331.443.
3 21 Current law provides that any proposed building project in
3 22 excess of $750,000 involving a public building in a county
3 23 having a population of more than 25,000 but not more than
3 24 50,000 is required to have a county vote upon the question of
3 25 issuing the bonds to fund the project.
3 26 The bill increases the maximum annual deposit into the
3 27 enhanced court collections fund from $4 million to $5 million.
3 28 If the annual deposit into the fund exceeds $4 million, the
3 29 bill provides that up to $1 million of the excess shall be
3 30 used to establish a courthouse security grant program. The
3 31 bill provides that the grants shall be used by counties for
3 32 the purchase of courthouse security equipment or building
3 33 enhancements that improve courthouse security.
3 34 Current law limits the use of moneys deposited into the
3 35 enhanced court collections fund to projects related to the

House Study Bill 102 continued

4 1 Iowa court information system, records management equipment,
4 2 and court technological improvements. The enhanced court
4 3 collections fund is funded through fees and other revenue
4 4 collected by the judicial branch.
4 5 LSB 1403XD 83
4 6 jm/rj/5.1

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

House Study Bill 103

HOUSE FILE
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SHOMSHOR)

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

A BILL FOR

An Act providing a sales tax exemption for purchases made by a nonprofit blood bank licensed by the federal food and drug administration.

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

TLSB 1218HC 83
ak/sc/8

House Study Bill 103 continued

PAG LIN

1 1 Section 1. Section 423.3, subsection 26, Code 2009, is
1 2 amended to read as follows:
1 3 26. The sales price of tangible personal property sold, or
1 4 of services furnished, to a statewide nonprofit organ
1 5 procurement organization, as defined in section 142C.2, or a
1 6 nonprofit blood bank, as defined in section 141A.1, that is
1 7 licensed by the federal food and drug administration.
1 8 EXPLANATION
1 9 This bill creates a sales tax exemption on the sales price
1 10 of goods sold to or services provided to a nonprofit blood
1 11 bank that is licensed by the federal food and drug
1 12 administration.
1 13 LSB 1218HC 83
1 14 ak/sc/8

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

House Study Bill 104

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

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

A BILL FOR

An Act relating to the technical administration of the tax and related laws by the department of revenue, including administration of income taxes, sales and use taxes, fees for new vehicle registrations, and property taxes and including a retroactive applicability date provision.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1421XD 83
tw/mg:sc/24

House Study Bill 104 continued

PAG LIN

1 1 Section 1. Section 257.22, Code 2009, is amended to read
1 2 as follows:
1 3 257.22 STATUTES APPLICABLE.
1 4 The director of revenue shall administer the instructional
1 5 support income surtax imposed under this chapter, and sections
1 6 422.4, 422.20, 422.22 to 422.31, 422.68, 422.70, and 422.72 to
1 7 422.75 shall apply with respect to administration of the
1 8 instructional support income surtax.
1 9 Sec. 2. Section 321.105A, subsection 4, paragraph a, Code
1 10 2009, is amended to read as follows:
1 11 a. The director of revenue in consultation with the
1 12 department of transportation shall administer and enforce the
1 13 fee for new registration as nearly as possible in conjunction
1 14 with the administration and enforcement of the state use tax
1 15 law, except that portion of the law which implements the
1 16 streamlined sales and use tax agreement. ~~The director shall~~
~~1 17 provide appropriate forms, or provide on the annual~~
~~1 18 registration forms provided by the department of~~
~~1 19 transportation, for reporting the fee for new registration~~
~~1 20 liability.~~
1 21 Sec. 3. Section 321.105A, subsection 5, paragraph a, Code
1 22 2009, is amended to read as follows:
1 23 a. A licensed vehicle dealer maintaining a place of
1 24 business in this state who sells a vehicle subject to
1 25 registration for use in this state shall collect the fee for
1 26 new registration at the time of making the sale. A dealer
1 27 required to collect the fee for new registration shall give to
1 28 the purchaser a receipt for the fee ~~in the manner and form~~
~~1 29 prescribed by the director~~ collected. Fees collected by a
1 30 dealer under this section shall be forwarded to the county
1 31 treasurer in the same manner as annual registration fees.
1 32 Sec. 4. Section 422.9, subsection 4, Code 2009, is amended
1 33 to read as follows:
1 34 4. Where married persons file separately, both must use
1 35 the optional standard deduction if either elects to use it,

House Study Bill 104 continued

2 1 and both must claim itemized deductions if either elects to
2 2 claim itemized deductions.
2 3 Sec. 5. Section 422.12K, subsection 2, Code 2009, is
2 4 amended to read as follows:
2 5 2. The director of revenue shall draft the income tax form
2 6 to allow the designation of contributions to the child abuse
2 7 prevention program fund on the tax return. The department of
2 8 revenue, on or before January 31, shall transfer the total
2 9 amount designated on the tax return forms due in the preceding
2 10 calendar year to the child abuse prevention program fund.
2 11 However, before a checkoff pursuant to this section shall be
2 12 permitted, all liabilities on the books of the department of
2 13 ~~revenue~~ administrative services and accounts identified as
2 14 owing under section ~~421.17~~ 8A.504 and the political
2 15 contribution allowed under section 68A.601 shall be satisfied.
2 16 Sec. 6. Section 422.32, subsection 3, Code 2009, is
2 17 amended to read as follows:
2 18 3. "Commercial domicile" means the principal place from
2 19 which the trade ~~of~~ or business of the taxpayer is directed or
2 20 managed.
2 21 Sec. 7. Section 423.4, subsection 5, paragraphs b and f,
2 22 Code 2009, are amended to read as follows:
2 23 b. The owner or operator of an automobile racetrack
2 24 facility may apply to the department for a rebate of sales tax
2 25 imposed and collected by retailers upon sales of ~~any goods,~~
2 26 ~~wares, merchandise,~~ tangible personal property or services
2 27 furnished to purchasers at the automobile racetrack facility.
2 28 f. ~~Only the state sales tax is subject to rebate.~~
2 29 Notwithstanding the state sales tax imposed in section 423.2,
2 30 a rebate issued pursuant to this section shall not exceed an
2 31 amount equal to five percent of the sales price of the
2 32 tangible personal property or services furnished to purchasers
2 33 at the automobile racetrack facility. Any local option taxes
2 34 paid and collected shall not be subject to rebate under this
2 35 subsection.

House Study Bill 104 continued

3 1 Sec. 8. Section 428.29, Code 2009, is amended to read as
3 2 follows:
3 3 428.29 ASSESSMENT AND CERTIFICATION.
3 4 The director of revenue shall on ~~the second Monday of July~~
3 5 ~~of~~ or before October 31 each year proceed to determine, upon
3 6 the basis of the data required in such report and any other
3 7 information the director may obtain, the actual value of all
3 8 property, subject to the director's jurisdiction, of said
3 9 individual, partnership, corporation, or association, and
3 10 shall make assessments upon the taxable value ~~thereof~~ of the
3 11 property, as provided by section 441.21. The director of
3 12 revenue shall, on or before ~~the third Monday in August~~ October
3 13 31, certify to the county auditor of every county in the state
3 14 the valuations fixed for assessment upon all such property in
3 15 each and every taxing district in each county by the
3 16 department of revenue. This valuation shall then be spread
3 17 upon the books in the same manner as other valuations fixed by
3 18 the department of revenue upon property assessed under the
3 19 department's jurisdiction.
3 20 Sec. 9. Section 433.4, Code 2009, is amended to read as
3 21 follows:
3 22 433.4 ASSESSMENT.
3 23 The director of revenue shall on ~~the second Monday in July~~
3 24 ~~of~~ or before October 31 each year, proceed to find the actual
3 25 value of the property of these companies in this state, taking
3 26 into consideration the information obtained from the
3 27 statements required, and any further information the director
3 28 can obtain, using the same as a means for determining the
3 29 actual cash value of the property of these companies within
3 30 this state. The director shall also take into consideration
3 31 the valuation of all property of these companies, including
3 32 franchises and the use of the property in connection with
3 33 lines outside the state, and making these deductions as may be
3 34 necessary on account of extra value of property outside the
3 35 state as compared with the value of property in the state, in

House Study Bill 104 continued

4 1 order that the actual cash value of the property of the
4 2 company within this state may be ascertained. The assessment
4 3 shall include all property of every kind and character
4 4 whatsoever, real, personal, or mixed, used by the companies in
4 5 the transaction of telegraph and telephone business; and the
4 6 property so included in the assessment shall not be taxed in
4 7 any other manner than as provided in this chapter.
4 8 Sec. 10. Section 433.7, Code 2009, is amended to read as
4 9 follows:
4 10 433.7 HEARING.
4 11 ~~At such meeting in July~~ At the time of determination of
4 12 value of the director of revenue, any company interested shall
4 13 have the right to appear, by its officers or agents, before
4 14 the director of revenue and be heard on the question of the
4 15 valuation of its property for taxation.
4 16 Sec. 11. Section 434.2, unnumbered paragraph 1, Code 2009,
4 17 is amended to read as follows:
4 18 On ~~the second Monday in July of~~ or before October 31 each
4 19 year, the director of revenue shall assess all the property of
4 20 each railway corporation in the state, excepting the lands,
4 21 lots, and other real estate belonging thereto not used in the
4 22 operation of any railway, and excepting railway bridges across
4 23 the Mississippi and Missouri rivers, and excepting grain
4 24 elevators; and for the purpose of making such assessment its
4 25 president, vice president, general manager, general
4 26 superintendent, receiver, or such other officer as the
4 27 director of revenue may designate, shall, on or before the
4 28 first day of April in each year, furnish the department of
4 29 revenue a verified statement showing in detail for the year
4 30 ended December 31 next preceding:
4 31 Sec. 12. Section 434.17, Code 2009, is amended to read as
4 32 follows:
4 33 434.17 CERTIFICATION TO COUNTY AUDITORS.
4 34 On or before ~~the third Monday in August of~~ October 31 each
4 35 year, the director of revenue shall transmit to the county

House Study Bill 104 continued

5 1 auditor of each county, through and into which any railway may
5 2 extend, a statement showing the length of the main track
5 3 within the county, and the assessed value per mile of the
5 4 same, as fixed by a ratable distribution per mile of the
5 5 assessed valuation of the whole property.
5 6 Sec. 13. Section 437.6, Code 2009, is amended to read as
5 7 follows:
5 8 437.6 ACTUAL VALUE.
5 9 On ~~the second Monday in July of~~ or before October 31 each
5 10 year, the director of revenue shall proceed to find the actual
5 11 value of that part of such transmission line or lines referred
5 12 to in section 437.2, owned or operated by any company, that is
5 13 located within this state but outside cities, including the
5 14 whole of such line or lines when all of such line or lines
5 15 owned or operated by said company is located wholly outside of
5 16 cities, taking into consideration the information obtained
5 17 from the statements required by this chapter, and any further
5 18 information obtainable, using the same as a means of
5 19 determining the actual cash value of such transmission line or
5 20 lines or part thereof, within this state, located outside of
5 21 cities. The director shall then ascertain the value per mile
5 22 of such transmission line or lines owned or operated by each
5 23 company specified in section 437.2, by dividing the total
5 24 value as above ascertained by the number of miles of line of
5 25 such company within the state located outside of cities, and
5 26 the result shall be deemed and held to be the actual value per
5 27 mile of said transmission line or lines of each of said
5 28 companies within the state located outside of cities.
5 29 Sec. 14. Section 437A.19, subsection 2, paragraph f,
5 30 unnumbered paragraph 3, Code 2009, is amended to read as
5 31 follows:
5 32 The director, on or before ~~August~~ October 31 of each
5 33 assessment year, shall report to the department of management
5 34 and to the auditor of each county the adjusted assessed value
5 35 of taxpayer property as of January 1 of such assessment year

House Study Bill 104 continued

6 1 for each local taxing district. For purposes of this
6 2 subsection, the assessed value of taxpayer property in each
6 3 local taxing district subject to adjustment under this section
6 4 by the director means the assessed value of such property as
6 5 of the preceding January 1 as determined and allocated among
6 6 the local taxing districts by the director.
6 7 Sec. 15. Section 438.14, Code 2009, is amended to read as
6 8 follows:
6 9 438.14 VALUATION AND CERTIFICATION ~~THEREOF~~.
6 10 The director of revenue shall on or before ~~the third Monday~~
~~6 11 in August of~~ October 31 each year determine the value of
6 12 pipeline property located in each taxing district of the
6 13 state, and in fixing ~~said~~ the value shall take into
6 14 consideration the structures, equipment, pumping stations,
6 15 etc., located in ~~said~~ the taxing district, and shall transmit
6 16 to the county auditor of each such county through and into
6 17 which any pipeline may extend, a statement showing the
6 18 assessed value of ~~said~~ the property in each of the taxing
6 19 districts of ~~said~~ the county. The ~~said~~ property shall then be
6 20 taxed in ~~said~~ the county and lesser taxing districts, based
6 21 upon the valuation so certified, in the same manner as in
6 22 other property.
6 23 Sec. 16. CODE CHAPTER 423 TITLE RENAMED == CODE EDITOR
6 24 DIRECTIVE. The Code editor is directed to rename the title of
6 25 chapter 423 as the "Streamlined Sales and Use Tax Act".
6 26 Sec. 17. RETROACTIVE APPLICABILITY. The section of this
6 27 Act amending section 422.9 applies retroactively to January 1,
6 28 2009, for tax years beginning on or after that date.
6 29 EXPLANATION
6 30 This bill relates to the department of revenue's
6 31 administration of the income taxes, the sales and use taxes,
6 32 the property tax, and certain fees for new vehicle
6 33 registrations.
6 34 The bill makes existing Code sections 422.4 and 422.70
6 35 applicable to the administration of the instructional support

House Study Bill 104 continued

7 1 income surtax. Code section 422.4 defines certain tax=related
7 2 terms, and Code section 422.70 relates to certain general
7 3 powers of the director of the department of revenue and to
7 4 hearings conducted by the department.
7 5 Current law requires the director of revenue to develop
7 6 forms to be used in the administration of the one=time motor
7 7 vehicle registration fee imposed by 2008 Iowa Acts, chapter
7 8 1113. The bill eliminates this requirement and makes
7 9 conforming changes.
7 10 Current law provides that married persons filing separate
7 11 returns must both use the standard deduction if either of them
7 12 uses the standard deduction. The bill provides that married
7 13 persons filing separately must also both claim itemized
7 14 deductions if either claims itemized deductions. This
7 15 provision of the bill is made retroactive to January 1, 2009,
7 16 for tax years beginning on or after that date.
7 17 Currently, Code section 422.12K contains a reference to the
7 18 liabilities on the books of the department of revenue, but
7 19 this reference should be to the department of administrative
7 20 services. The bill corrects this reference.
7 21 The bill corrects a grammatical error in the definition of
7 22 "commercial domicile" used for purposes of the business tax on
7 23 corporations.
7 24 Current law provides for a rebate of the sales tax
7 25 collected by retailers at certain automobile racetrack
7 26 facilities to the owner or operator of the automobile
7 27 racetrack facility. The amount of the rebate is determined by
7 28 counting only the state sales tax rate. In 2008, the state
7 29 sales tax rate was increased from 5 percent to 6 percent. The
7 30 bill provides that, despite the 2008 increase in the sales tax
7 31 rate, the rebate for sales taxes collected at racetrack
7 32 facilities cannot exceed 5 percent of the sales price.
7 33 The bill makes October 31 the required yearly completion
7 34 date for each of the following property tax=related
7 35 assessments made by the department of revenue: the general

House Study Bill 104 continued

8 1 property listing required by Code section 428.29, the
8 2 telephone and telegraph companies tax assessment, the railway
8 3 companies tax assessment and the related transmission to
8 4 county auditors, the electric transmission lines tax, the
8 5 adjusted assessed value determined for purposes of the tax on
8 6 electricity and natural gas providers, and the pipeline
8 7 companies tax assessment.
8 8 The bill directs the Code editor to retitle the name of
8 9 Code chapter 423 to the "Streamlined Sales and Use Tax Act".
8 10 LSB 1421XD 83
8 11 tw/mg:sc/24

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

House Study Bill 105

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

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

A BILL FOR

An Act updating the Code references to the Internal Revenue Code, providing for decoupling from a certain bonus depreciation provision in the Internal Revenue Code, and including effective and retroactive applicability date provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1375XD 83
tw/mg:sc/5

House Study Bill 105 continued

PAG LIN

1 1 Section 1. Section 15.335, subsection 4, paragraph b, Code
1 2 2009, is amended to read as follows:
1 3 b. For purposes of this section, "Internal Revenue Code"
1 4 means the Internal Revenue Code in effect on January 1, ~~2008~~
1 5 2009.
1 6 Sec. 2. Section 15A.9, subsection 8, paragraph e,
1 7 subparagraph (2), Code 2009, is amended to read as follows:
1 8 (2) For purposes of this subsection, "Internal Revenue
1 9 Code" means the Internal Revenue Code in effect on January 1,
1 10 ~~2008~~ 2009.
1 11 Sec. 3. Section 422.3, subsection 5, Code 2009, is amended
1 12 to read as follows:
1 13 5. "Internal Revenue Code" means the Internal Revenue Code
1 14 of 1954, prior to the date of its redesignation as the
1 15 Internal Revenue Code of 1986 by the Tax Reform Act of 1986,
1 16 or means the Internal Revenue Code of 1986 as amended to and
1 17 including January 1, ~~2008~~ 2009.
1 18 Sec. 4. Section 422.5, subsection 1, paragraph k,
1 19 subparagraph (1), Code 2009, is amended to read as follows:
1 20 (1) Add items of tax preference included in federal
1 21 alternative minimum taxable income under section 57, except
1 22 subsections (a)(1), (a)(2), and (a)(5), of the Internal
1 23 Revenue Code, make the adjustments included in federal
1 24 alternative minimum taxable income under section 56, except
1 25 subsections (a)(4), (b)(1)(C)(iii), and (d), of the Internal
1 26 Revenue Code, and add losses as required by section 58 of the
1 27 Internal Revenue Code. To the extent that any preference or
1 28 adjustment is determined by an individual's federal adjusted
1 29 gross income, the individual's federal adjusted gross income
1 30 is computed in accordance with section 422.7, ~~subsection~~
1 31 subsections 39 and 39A. In the case of an estate or trust,
1 32 the items of tax preference, adjustments, and losses shall be
1 33 apportioned between the estate or trust and the beneficiaries
1 34 in accordance with rules prescribed by the director.
1 35 Sec. 5. Section 422.7, Code 2009, is amended by adding the

House Study Bill 105 continued

2 1 following new subsection:
2 2 NEW SUBSECTION. 39A. The additional first=year
2 3 depreciation allowance authorized in section 168(k) of the
2 4 Internal Revenue Code, as enacted by Pub. L. No. 110=185,
2 5 section 103, does not apply in computing net income for state
2 6 tax purposes. If a taxpayer has taken a deduction for
2 7 additional first=year depreciation in computing federal
2 8 adjusted gross income, the following adjustments to federal
2 9 adjusted gross income shall be made:
2 10 a. Add the total amount of depreciation taken on all
2 11 property for which the election under section 168(k) of the
2 12 Internal Revenue Code was made for the tax year.
2 13 b. Subtract an amount equal to depreciation allowed on
2 14 such property for the tax year using the modified accelerated
2 15 cost recovery system depreciation method applicable under
2 16 section 168 of the Internal Revenue Code without regard to
2 17 section 168(k).
2 18 c. Any other adjustments to gains or losses to reflect the
2 19 adjustments made in paragraphs "a" and "b", according to rules
2 20 adopted by the director.
2 21 Sec. 6. Section 422.7, subsection 53, Code 2009, is
2 22 amended by striking the subsection.
2 23 Sec. 7. Section 422.9, subsection 2, paragraphs h and i,
2 24 Code 2009, are amended to read as follows:
2 25 h. For purposes of calculating the deductions in this
2 26 subsection that are authorized under the Internal Revenue
2 27 Code, and to the extent that any of such deductions is
2 28 determined by an individual's federal adjusted gross income,
2 29 the individual's federal adjusted gross income is computed in
2 30 accordance with section 422.7, ~~subsection~~ subsections 39 and
2 31 39A.
2 32 i. The deduction for state sales and use taxes is
2 33 allowable only if the taxpayer elected to deduct the state
2 34 sales and use taxes in lieu of state income taxes under
2 35 section 164 of the Internal Revenue Code. A deduction for

House Study Bill 105 continued

3 1 state sales and use taxes is not allowed if the taxpayer has
3 2 taken the deduction for state income taxes or claimed the
3 3 standard deduction under section 63 of the Internal Revenue
3 4 Code. This paragraph applies to taxable years beginning after
3 5 December 31, 2003, and before January 1, ~~2006~~ 2010.
3 6 Sec. 8. Section 422.9, subsection 3, paragraph b, Code
3 7 2009, is amended to read as follows:
3 8 b. The Iowa net operating loss remaining after being
3 9 carried back as required in paragraph "a", ~~or~~ "d", or "e", or
3 10 if not required to be carried back shall be carried forward
3 11 twenty taxable years.
3 12 Sec. 9. Section 422.9, subsection 3, Code 2009, is amended
3 13 by adding the following new paragraph:
3 14 NEW PARAGRAPH. e. Notwithstanding paragraph "a", for a
3 15 taxpayer who has a qualified disaster loss as defined in
3 16 section 172(b)(1)(J) of the Internal Revenue Code, including
3 17 modifications prescribed by rule by the director, the Iowa
3 18 qualified disaster loss is a net operating loss which may be
3 19 carried back five taxable years prior to the taxable year of
3 20 the loss.
3 21 Sec. 10. Section 422.9, Code 2009, is amended by adding
3 22 the following new subsection:
3 23 NEW SUBSECTION. 9. In determining the amount of deduction
3 24 for federal income tax under subsection 1 or subsection 2,
3 25 paragraph "b", for tax years beginning in the 2009 calendar
3 26 year, if a refund is attributable to the receipt of an advance
3 27 refund pursuant to the federal Recovery Rebates and Economic
3 28 Stimulus for the American People Act of 2008, Pub. L. No.
3 29 110=185, the amount of the deduction for the tax year shall
3 30 not be adjusted by the amount of the advance refund, and the
3 31 amount of the advance refund shall not be taxable under this
3 32 division.
3 33 Sec. 11. Section 422.10, subsection 3, unnumbered
3 34 paragraph 2, Code 2009, is amended to read as follows:
3 35 For purposes of this section, "Internal Revenue Code" means

House Study Bill 105 continued

the Internal Revenue Code in effect on January 1, ~~2008~~ 2009.

Sec. 12. Section 422.32, subsection 7, Code 2009, is amended to read as follows:

7. "Internal Revenue Code" means the Internal Revenue Code of 1954, prior to the date of its redesignation as the Internal Revenue Code of 1986 by the Tax Reform Act of 1986, or means the Internal Revenue Code of 1986 as amended to and including January 1, ~~2008~~ 2009.

Sec. 13. Section 422.33, subsection 5, paragraph d, unnumbered paragraph 2, Code 2009, is amended to read as follows:

For purposes of this subsection, "Internal Revenue Code" means the Internal Revenue Code in effect on January 1, ~~2008~~ 2009.

Sec. 14. Section 422.35, subsection 11, paragraph b, Code 2009, is amended to read as follows:

b. The Iowa net operating loss remaining after being carried back as required in paragraph "a", ~~or~~ "f", or "g", or if not required to be carried back shall be carried forward twenty taxable years.

Sec. 15. Section 422.35, subsection 11, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. Notwithstanding paragraph "a", for a taxpayer who has a qualified disaster loss as defined in section 172(b)(1)(J) of the Internal Revenue Code, including modifications prescribed by rule by the director, the Iowa qualified disaster loss is a net operating loss which may be carried back five taxable years prior to the taxable year of the loss.

Sec. 16. Section 422.35, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 19A. The additional first=year depreciation allowance authorized in section 168(k) of the Internal Revenue Code, as enacted by Pub. L. No. 110=185, section 103, does not apply in computing net income for state

House Study Bill 105 continued

5 1 tax purposes. If a taxpayer has taken a deduction for
5 2 additional first=year depreciation in computing federal
5 3 taxable income, the following adjustments to federal taxable
5 4 income shall be made:
5 5 a. Add the total amount of depreciation taken on all
5 6 property for which the election under section 168(k) of the
5 7 Internal Revenue Code was made for the tax year.
5 8 b. Subtract an amount equal to depreciation allowed on
5 9 such property for the tax year using the modified accelerated
5 10 cost recovery system depreciation method applicable under
5 11 section 168 of the Internal Revenue Code without regard to
5 12 section 168(k).
5 13 c. Any other adjustments to gains or losses to reflect the
5 14 adjustments made in paragraphs "a" and "b", according to rules
5 15 adopted by the director.
5 16 Sec. 17. Section 422.35, subsection 24, Code 2009, is
5 17 amended by striking the subsection.
5 18 Sec. 18. RETROACTIVE APPLICABILITY.
5 19 1. The sections of this Act amending Code sections 15.335,
5 20 15A.9, 422.3, 422.9, subsection 3, 422.10, 422.32, 422.33, and
5 21 422.35, subsection 11, apply retroactively to January 1, 2008,
5 22 for tax years beginning on or after that date.
5 23 2. The sections of this Act amending Code sections 422.5,
5 24 422.7, new subsection 39A and subsection 53, 422.9, subsection
5 25 2, and 422.35, new subsection 19A and subsection 24, apply
5 26 retroactively to December 31, 2007, for tax years ending after
5 27 that date.
5 28 3. The section of this Act enacting section 422.9,
5 29 subsection 9, applies retroactively to January 1, 2009, for
5 30 tax years beginning in the 2009 calendar year.
5 31 Sec. 19. EFFECTIVE DATE. This Act, being deemed of
5 32 immediate importance, takes effect upon enactment.
5 33 EXPLANATION
5 34 This bill updates references in Code sections 15.335,
5 35 15A.9, 422.3, 422.10, 422.32, and 422.33 to the Internal

House Study Bill 105 continued

6 1 Revenue Code, making certain federal income tax revisions
6 2 enacted by Congress in 2008 applicable for purposes of the
6 3 corporate and individual income taxes and the franchise tax.
6 4 The bill amends certain Code sections related to the state
6 5 research activities tax credit for individuals, corporations,
6 6 corporations in economic development areas, and corporations
6 7 in quality jobs enterprise zones by updating references to the
6 8 Internal Revenue Code that include changes in the federal
6 9 research activities tax credit and the alternative incremental
6 10 research tax credit.
6 11 The bill amends certain sections of the individual and
6 12 corporate income taxes related to the computation of net
6 13 income (also known as "above=the=line" computation) by
6 14 decoupling, for Iowa income tax purposes, from the federal
6 15 accelerated depreciation deductions enacted by Congress as
6 16 part of the Recovery Rebates and Economic Stimulus for the
6 17 American People Act of 2008 ("the federal Economic Stimulus
6 18 Act of 2008"). The bill makes a number of changes in
6 19 conformance with these changes.
6 20 In certain circumstances, current law provides a deduction
6 21 from net income (a "below=the=line" deduction) for state sales
6 22 and use taxes in lieu of a deduction from income taxes. This
6 23 deduction was only available for taxable years beginning after
6 24 December 31, 2003, and before January 1, 2006. The bill
6 25 extends this deduction to taxable years beginning before
6 26 January 1, 2010.
6 27 The bill provides that advance refunds provided under the
6 28 federal Economic Stimulus Act of 2008, but not received until
6 29 2009, are not subject to tax and do not reduce the amount of
6 30 federal tax liability deductible for purposes of the Iowa
6 31 individual income tax.
6 32 The bill contains a number of retroactive applicability
6 33 provisions: (1) the section of the bill relating to advance
6 34 refunds under the federal Economic Stimulus Act of 2008
6 35 applies retroactively to January 1, 2009, for tax years

House Study Bill 105 continued

7 1 beginning in the 2009 calendar year; (2) the sections of the
7 2 bill relating to the decoupling from federal bonus
7 3 depreciation apply retroactively to December 31, 2007, for tax
7 4 years ending after that date; (3) all other sections of the
7 5 bill apply retroactively to January 1, 2008, for tax years
7 6 beginning on or after that date.
7 7 The bill takes effect upon enactment.
7 8 LSB 1375XD 83
7 9 tw/mg:sc/5

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

House Study Bill 106

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
CULTURAL AFFAIRS BILL)

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

Passed House, Date
Vote: Ayes _____ Nays

A BILL FOR

An Act relating to a sales tax exemption for the operation of nonprofit private performing arts centers and allowing a sales tax refund for construction of such centers.

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

TLSB 1294XD 83
ak/sc/5

House Study Bill 106 continued

PAG LIN

1 1 Section 1. Section 423.3, subsection 22, Code 2009, is
1 2 amended to read as follows:
1 3 22. The sales price from sales of goods, wares, or
1 4 merchandise, or from services furnished, to a nonprofit
1 5 private art center or performing arts center to be used in the
1 6 operation of the art center or performing arts center.
1 7 Sec. 2. Section 423.4, subsection 1, unnumbered paragraph
1 8 1, Code 2009, is amended to read as follows:
1 9 A private nonprofit educational institution in this state,
1 10 nonprofit Iowa affiliate of a nonprofit international
1 11 organization whose primary activity is the promotion of the
1 12 construction, remodeling, or rehabilitation of one=family or
1 13 two=family dwellings for low=income families, nonprofit
1 14 private museum in this state, nonprofit private performing
1 15 arts center, tax=certifying or tax=levying body or
1 16 governmental subdivision of the state, including the state
1 17 board of regents, state department of human services, state
1 18 department of transportation, a municipally owned solid waste
1 19 facility which sells all or part of its processed waste as
1 20 fuel to a municipally owned public utility, and all divisions,
1 21 boards, commissions, agencies, or instrumentalities of state,
1 22 federal, county, or municipal government which do not have
1 23 earnings going to the benefit of an equity investor or
1 24 stockholder, may make application to the department for the
1 25 refund of the sales or use tax upon the sales price of all
1 26 sales of goods, wares, or merchandise, or from services
1 27 furnished to a contractor, used in the fulfillment of a
1 28 written contract with the state of Iowa, any political
1 29 subdivision of the state, or a division, board, commission,
1 30 agency, or instrumentality of the state or a political
1 31 subdivision, a private nonprofit educational institution in
1 32 this state, a nonprofit Iowa affiliate described in this
1 33 subsection, or a nonprofit private museum in this state if the
1 34 property becomes an integral part of the project under
1 35 contract and at the completion of the project becomes public

House Study Bill 106 continued

2 1 property, is devoted to educational uses, becomes part of a
2 2 low=income one=family or two=family dwelling in the state, or
2 3 becomes a nonprofit private museum, or becomes a nonprofit
2 4 private performing arts center; except goods, wares, or
2 5 merchandise, or services furnished which are used in the
2 6 performance of any contract in connection with the operation
2 7 of any municipal utility engaged in selling gas, electricity,
2 8 or heat to the general public or in connection with the
2 9 operation of a municipal pay television system; and except
2 10 goods, wares, and merchandise used in the performance of a
2 11 contract for a "project" under chapter 419 as defined in that
2 12 chapter other than goods, wares, or merchandise used in the
2 13 performance of a contract for a "project" under chapter 419
2 14 for which a bond issue was approved by a municipality prior to
2 15 July 1, 1968, or for which the goods, wares, or merchandise
2 16 becomes an integral part of the project under contract and at
2 17 the completion of the project becomes public property or is
2 18 devoted to educational uses.
2 19 EXPLANATION
2 20 This bill exempts from sales tax the sale of materials and
2 21 services provided that are used in the operation of a
2 22 nonprofit private performing arts center. The bill allows the
2 23 sales tax from construction materials and services used to
2 24 build a nonprofit private performing arts center to be
2 25 refunded upon application to the Iowa department of revenue.
2 26 LSB 1294XD 83
2 27 ak/sc/5

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

House Study Bill 107

HOUSE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON GASKILL)

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

A BILL FOR

An Act concerning the issuance of certain county general obligation bonds by requiring published notice and modifying the ballot proposition, and including effective date, validation, and retroactive applicability provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1974HC 83
sc/rj/14

House Study Bill 107 continued

PAG LIN

1 1 Section 1. Section 331.442, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. a. The board shall publish notice of the proposal to
1 4 issue the bonds, including a statement of the amount and
1 5 purpose of the bonds and a statement of the estimated cost of
1 6 the project for which the bonds are to be issued. The notice
1 7 shall be published as provided in section 331.305 with the
1 8 minutes of the meeting at which the board adopts a resolution
1 9 to call a county special election to vote upon the question of
1 10 issuing the bonds. The cost of the project, as published in
1 11 the notice pursuant to this paragraph, is an estimate and is
1 12 not intended to be binding on the board in later proceedings
1 13 related to the project.
1 14 b. Before the board may institute proceedings for the
1 15 issuance of bonds for a general county purpose, it shall call
1 16 a county special election to vote upon the question of issuing
1 17 the bonds. At the election the proposition shall be submitted
1 18 in the following form:
1 19 Shall the county of ....., state of Iowa, ~~be authorized~~
~~1 20 to ..... (state purpose of project) at a total cost not~~
~~1 21 exceeding $... and~~ issue its general obligation bonds in an
1 22 amount not exceeding the amount of $... for ~~that~~ the purpose
1 23 of .....?
1 24 Sec. 2. Section 331.447, subsection 1, paragraph b, Code
1 25 2009, is amended to read as follows:
1 26 b. The amount estimated and certified to apply on
1 27 principal and interest for any one year may only exceed the
1 28 statutory rate of levy limit, if any, by the amount that the
1 29 registered voters of the county have approved at a special
1 30 election, which may be held at the same time as the general
1 31 election and may be included in the proposition authorizing
1 32 the issuance of bonds, if an election on the proposition is
1 33 necessary, or may be submitted as a separate proposition at
1 34 the same election or at a different election. Notice of the
1 35 election shall be given as specified in section 331.305. If

House Study Bill 107 continued

2 1 the proposition includes issuing bonds and increasing the levy
2 2 limit, it shall be in substantially the following form:
2 3 Shall the county of ....., state of Iowa, be authorized
2 4 to ..... (here state purpose of project) ~~at a total cost~~
~~2 5 not exceeding $....~~ and issue its general obligation bonds
2 6 in an amount not exceeding the amount of $.... for that
2 7 purpose, and be authorized to levy annually a tax not
2 8 exceeding ... dollars and ... cents per thousand dollars of
2 9 the assessed value of the taxable property within the county
2 10 to pay the principal of and interest on the bonds?
2 11 If the proposition includes only increasing the levy limit
2 12 it shall be in substantially the following form:
2 13 Shall the county of ....., state of Iowa, be authorized to
2 14 levy annually a tax not exceeding ... dollars and ... cents
2 15 per thousand dollars of the assessed value of the taxable
2 16 property within the county to pay principal and interest
2 17 on the bonded indebtedness of the county for the purpose
2 18 of .....?
2 19 Sec. 3. VALIDATION AND RETROACTIVE APPLICABILITY == BOARD
2 20 RESOLUTION.
2 21 1. If, on the effective date of this Act, the cost of a
2 22 project authorized by ballot proposition that approved the
2 23 issuance of county general obligation bonds at an election
2 24 held prior to the effective date of this Act does not exceed
2 25 one hundred ten percent of the project cost stated on the
2 26 ballot proposition, the bond issuance amount and tax levy
2 27 authorization as stated on the ballot and the increased cost
2 28 of the project are hereby legalized and validated and, to that
2 29 extent, this Act applies retroactively to the date of the
2 30 election.
2 31 2. The board of supervisors of a county may proceed with a
2 32 project under subsection 1 only after adoption of a resolution
2 33 stating the project's compliance with the conditions of
2 34 subsection 1 and the board's intention to proceed with the
2 35 project.

House Study Bill 107 continued

3 1 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
3 2 immediate importance, takes effect upon enactment.
3 3 EXPLANATION
3 4 This bill makes changes relating to issuance of certain
3 5 county general obligation bonds.
3 6 The bill modifies the ballot proposition language relating
3 7 to issuance of county general obligation bonds to remove the
3 8 requirement that the total cost of the project be stated on
3 9 the ballot, in addition to the amount of the bond issuance for
3 10 which approval is being sought at election.
3 11 The bill requires a county to publish notice of the
3 12 proposal to issue general obligation bonds that require
3 13 approval at election. The notice must be published with the
3 14 minutes of the meeting at which the board of supervisors
3 15 adopts a resolution to call a special election on issuance of
3 16 the bonds.
3 17 The bill legalizes and validates the issuance of general
3 18 obligation bonds approved at an election held prior to the
3 19 effective date of the bill, with respect to the amount of the
3 20 bond issuance stated on the ballot proposition, if the project
3 21 cost on the effective date of the bill does not exceed 110
3 22 percent of the project cost stated on the ballot proposition,
3 23 and, to that extent, the bill applies retroactively to the
3 24 date of the election. A county board of supervisors is
3 25 required to adopt a resolution stating project compliance and
3 26 its intention to proceed with the project.
3 27 The bill takes effect upon enactment.
3 28 LSB 1974HC 83
3 29 sc/rj/14

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

House Study Bill 108

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

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

Passed House, Date
Vote: Ayes _____ Nays

A BILL FOR

An Act relating to unemployment insurance benefits and compliance with federal law regarding and in order to qualify for funding, and including effective and applicability dates.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1434DP 83
ak/rj/14

House Study Bill 108 continued

PAG LIN

1 1 Section 1. Section 96.3, subsection 5, Code 2009, is
1 2 amended to read as follows:
1 3 5. a. DURATION OF BENEFITS. The maximum total amount of
1 4 benefits payable to an eligible individual during a benefit
1 5 year shall not exceed the total of the wage credits accrued to
1 6 the individual's account during the individual's base period,
1 7 or twenty=six times the individual's weekly benefit amount,
1 8 whichever is the lesser. The director shall maintain a
1 9 separate account for each individual who earns wages in
1 10 insured work. The director shall compute wage credits for
1 11 each individual by crediting the individual's account with
1 12 one=third of the wages for insured work paid to the individual
1 13 during the individual's base period. However, the director
1 14 shall recompute wage credits for an individual who is laid off
1 15 due to the individual's employer going out of business at the
1 16 factory, establishment, or other premises at which the
1 17 individual was last employed, by crediting the individual's
1 18 account with one=half, instead of one=third, of the wages for
1 19 insured work paid to the individual during the individual's
1 20 base period. Benefits paid to an eligible individual shall be
1 21 charged against the base period wage credits in the
1 22 individual's account which have not been previously charged,
1 23 in the inverse chronological order as the wages on which the
1 24 wage credits are based were paid. However if the state "off
1 25 indicator" is in effect and if the individual is laid off due
1 26 to the individual's employer going out of business at the
1 27 factory, establishment, or other premises at which the
1 28 individual was last employed, the maximum benefits payable
1 29 shall be extended to thirty=nine times the individual's weekly
1 30 benefit amount, but not to exceed the total of the wage
1 31 credits accrued to the individual's account.
1 32 b. TRAINING EXTENSION BENEFITS. An individual who is in
1 33 training with the approval of the director at the time regular
1 34 benefits are exhausted may be eligible for training extension
1 35 benefits. The training extension benefit amount shall be

House Study Bill 108 continued

2 1 twenty=six times the individual's weekly benefit amount, and
2 2 the weekly benefit amount shall be equal to the individual's
2 3 weekly benefit amount for the claim in which benefits were
2 4 exhausted while in training. An individual who is receiving
2 5 training extension benefits shall not be denied benefits due
2 6 to application of section 96.4, subsection 3, or section 96.5,
2 7 subsection 3. However, an employer's account shall not be
2 8 charged with benefits so paid. Relief of charges under this
2 9 paragraph applies to both contributory and reimbursable
2 10 employers, notwithstanding section 96.8, subsection 5. In
2 11 order for the individual to be eligible for training extension
2 12 benefits all of the following criteria must be met:
2 13 (1) Training extension benefits end upon completion of the
2 14 training even though a portion of the training extension
2 15 benefit amount may remain, and the benefits shall not extend
2 16 beyond the end of the benefit year.
2 17 (2) The individual must be enrolled, participating in the
2 18 training, and making satisfactory progress to complete the
2 19 training.
2 20 (3) The individual is considered to be in training during
2 21 regularly scheduled vacation or recess periods of three weeks
2 22 or less but not during a summer vacation period or school
2 23 break which is longer than three weeks. If the individual
2 24 immediately returns to training after the summer vacation or
2 25 break period of longer than three weeks, the individual may
2 26 reopen the training extension claim. Otherwise, the
2 27 individual must be continuously in training in order to be
2 28 eligible for training extension benefits.
2 29 Sec. 2. Section 96.4, subsection 4, Code 2009, is amended
2 30 to read as follows:
2 31 4. a. The individual has been paid wages for insured work
2 32 during the individual's base period in an amount at least one
2 33 and one=quarter times the wages paid to the individual during
2 34 that quarter of the individual's base period in which the
2 35 individual's wages were highest; provided that the individual

House Study Bill 108 continued

3 1 has been paid wages for insured work totaling at least three
3 2 and five=tenths percent of the statewide average annual wage
3 3 for insured work, computed for the preceding calendar year if
3 4 the individual's benefit year begins on or after the first
3 5 full week in July and computed for the second preceding
3 6 calendar year if the individual's benefit year begins before
3 7 the first full week in July, in that calendar quarter in the
3 8 individual's base period in which the individual's wages were
3 9 highest, and the individual has been paid wages for insured
3 10 work totaling at least one=half of the amount of wages
3 11 required under this ~~subsection~~ paragraph in the calendar
3 12 quarter of the base period in which the individual's wages
3 13 were highest, in a calendar quarter in the individual's base
3 14 period other than the calendar quarter in which the
3 15 individual's wages were highest. The calendar quarter wage
3 16 requirements shall be rounded to the nearest multiple of ten
3 17 dollars.
3 18 b. For an individual who does not have sufficient wages in
3 19 the base period, as defined in section 96.19, to otherwise
3 20 qualify for benefits pursuant to this subsection, the
3 21 individual's base period shall be the last four completed
3 22 calendar quarters immediately preceding the first day of the
3 23 individual's benefit year if such period qualifies the
3 24 individual for benefits under this subsection.
3 25 (1) Wages that fall within the alternative base period
3 26 established under this paragraph "b" are not available for
3 27 qualifying benefits in any subsequent benefit year.
3 28 (2) Employers shall be charged in the manner provided in
3 29 this chapter for benefits paid based upon quarters used in the
3 30 alternative base period.
3 31 c. If the individual has drawn benefits in any benefit
3 32 year, the individual must during or subsequent to that year,
3 33 work in and be paid wages for insured work totaling at least
3 34 two hundred fifty dollars, as a condition to receive benefits
3 35 in the next benefit year.

House Study Bill 108 continued

4 1 Sec. 3. Section 96.7, subsection 2, paragraph a,
4 2 subparagraph (2), Code 2009, is amended by adding the
4 3 following new subparagraph division:
4 4 NEW SUBPARAGRAPH DIVISION. (e) The account of an employer
4 5 shall not be charged with benefits paid to an individual who
4 6 is laid off if the benefits are paid as the result of the
4 7 return to work of a permanent employee who is one of the
4 8 following:
4 9 (i) A member of the national guard or organized reserves
4 10 of the armed forces of the United States ordered to temporary
4 11 duty, as defined in section 29A.1, subsection 3, 11, or 12,
4 12 for any purpose, who has completed the duty as evidenced in
4 13 accordance with section 29A.43.
4 14 (ii) A member of the civil air patrol performing duty
4 15 pursuant to section 29A.3A, who has completed the duty as
4 16 evidenced in accordance with section 29A.43.
4 17 Sec. 4. Section 96.20, subsection 2, Code 2009, is amended
4 18 to read as follows:
4 19 2. The department may enter into arrangements with the
4 20 appropriate agencies of other states, or a contiguous country
4 21 with which the United States has an agreement with respect to
4 22 unemployment compensation or of the federal government (a)
4 23 whereby wages or services, upon the basis of which an
4 24 individual may become entitled to benefits under the
4 25 unemployment compensation law of another state or of the
4 26 federal government, shall be deemed to be wages for employment
4 27 by employers for the purposes of section 96.3 and section
4 28 96.4, subsection 5; provided such other state agency or agency
4 29 of the federal government has agreed to reimburse the fund for
4 30 such portion of benefits paid under this chapter upon the
4 31 basis of such wages or services as the department finds will
4 32 be fair and reasonable as to all affected interests, and (b)
4 33 whereby the department will reimburse other state or federal
4 34 agencies charged with the administration of unemployment
4 35 compensation laws with such reasonable portion of benefits,

House Study Bill 108 continued

5 1 paid under the law of any such other states or of the federal
5 2 government upon the basis of employment or wages for
5 3 employment by employers, as the department finds will be fair
5 4 and reasonable as to all affected interests. Reimbursements
5 5 so payable shall be deemed to be benefits for the purposes of
5 6 section 96.3, subsection 5, paragraph "a", and section 96.9,
5 7 but no reimbursement so payable shall be charged against any
5 8 employer's account for the purposes of section 96.7, unless
5 9 wages so transferred are sufficient to establish a valid claim
5 10 in Iowa, and that such charges shall not exceed the amount
5 11 that would have been charged on the basis of a valid claim.
5 12 The department is hereby authorized to make to other state or
5 13 federal agencies and receive from such other state or federal
5 14 agencies, reimbursements from or to the fund, in accordance
5 15 with arrangements pursuant to this section. The department
5 16 shall participate in any arrangements for the payment of
5 17 compensation on the basis of combining an individual's wages
5 18 and employment covered under this Act with the individual's
5 19 wages and employment covered under the unemployment
5 20 compensation laws of other states which are approved by the
5 21 United States secretary of labor in consultation with the
5 22 state unemployment compensation agencies as reasonably
5 23 calculated to assure the prompt and full payment of
5 24 compensation in such situations and which include provisions
5 25 for: Applying the base period of a single state law to a
5 26 claim involving the combining of an individual's wages and
5 27 employment covered under two or more state unemployment
5 28 compensation laws, and avoiding the duplication use of wages
5 29 and employment by reason of such combining.
5 30 Sec. 5. Section 96.23, subsection 1, paragraph b, Code
5 31 2009, is amended to read as follows:
5 32 b. The individual did not receive wages from insured work
5 33 for two calendar quarters and did not receive wages from
5 34 insured work for another calendar quarter equal to or greater
5 35 than the amount required for a calendar quarter, other than

House Study Bill 108 continued

6 1 the calendar quarter in which the individual's wages were
6 2 highest, under section 96.4, subsection 4, paragraph "a".
6 3 Sec. 6. Section 96.40, subsection 8, Code 2009, is amended
6 4 to read as follows:
6 5 8. An individual shall not be entitled to receive shared
6 6 work benefits and regular unemployment compensation benefits
6 7 in an aggregate amount which exceeds the maximum total amount
6 8 of benefits payable to that individual in a benefit year as
6 9 provided under section 96.3, subsection 5, paragraph "a".
6 10 Notwithstanding any other provisions of this chapter, an
6 11 individual shall not be eligible to receive shared work
6 12 benefits for more than twenty=six calendar weeks during the
6 13 individual's benefit year.
6 14 Sec. 7. FUTURE APPROPRIATION OF FEDERAL FUNDS. Any funds
6 15 received by this state from the federal government pursuant to
6 16 section 903 of the federal Social Security Act as a result of
6 17 the enactment of this Act are appropriated by the general
6 18 assembly to the department of workforce development to be used
6 19 for the payment of unemployment insurance benefits or for the
6 20 administration of the Iowa employment security law, chapter
6 21 96, and public employment offices.
6 22 Sec. 8. APPLICABILITY AND EFFECTIVE DATES. The section of
6 23 this Act amending section 96.3 applies to any week of
6 24 unemployment benefits beginning on or after July 5, 2009. The
6 25 section of this Act amending section 96.4 applies to any new
6 26 claim of unemployment benefits with an effective date on or
6 27 after July 5, 2009.
6 28 EXPLANATION
6 29 This bill relates to unemployment insurance benefits and
6 30 brings Iowa into compliance with federal law in order to
6 31 receive additional federal funds.
6 32 The bill establishes a benefits extension for individuals
6 33 enrolled in a training program. Regular benefits must be
6 34 exhausted and the benefit amount shall be no more than 26
6 35 times the individual's weekly benefit amount. In order to

House Study Bill 108 continued

7 1 qualify for the training extension benefits, the following
7 2 criteria must be met: the benefits end when training is
7 3 completed and may not extend beyond the benefit year; the
7 4 individual must be enrolled, participating, and making
7 5 satisfactory progress in the training; and the individual
7 6 shall be considered in training during regular vacation or
7 7 recess breaks of three weeks or less but not during summer
7 8 vacation or breaks of three weeks or longer. An employer is
7 9 relieved of charges of unemployment benefits paid due to
7 10 claims for training extension benefits.
7 11 An alternate method of calculating the base period, to
7 12 determine the monetary attachment=to=the=workforce eligibility
7 13 of individuals for unemployment benefits, is included for
7 14 cases where the current method of calculation makes an
7 15 individual ineligible for unemployment benefits. The bill
7 16 moves the base period closer, by one quarter, to the benefit
7 17 claim filing date so that the base period would consist of the
7 18 first four calendar quarters immediately preceding the
7 19 calendar quarter in which the claim for unemployment benefits
7 20 is filed if doing so would qualify the individual for
7 21 benefits.
7 22 The bill waives employer charges for unemployment claims
7 23 stemming from temporary workers who have replaced active=duty
7 24 military employees. The bill prevents the account of an
7 25 employer from being charged if benefits are paid to an
7 26 individual who is laid off as the result of the return to work
7 27 of a permanent employee who is a member of the national guard
7 28 of the United States armed forces reserves ordered to
7 29 temporary duty, as defined in Code section 29A.1, subsection
7 30 3, 11, or 12, for any purpose and who has completed the duty,
7 31 or who is a member of the civil air patrol performing duty
7 32 pursuant to Code section 29A.3A and who has completed the
7 33 duty.
7 34 Any possible future funds received from the federal
7 35 government due to the bill's enactment are appropriated to the

House Study Bill 108 continued

8 1 department for the payment of unemployment insurance benefits
8 2 or for the administration of the Iowa employment security law
8 3 under Code chapter 96 and public employment offices.
8 4 The amendment in the bill to Code section 96.3 applies to
8 5 any week of unemployment benefits that begins on or after July
8 6 5, 2009. The amendment in the bill to Code section 96.4
8 7 applies to any new claim with an effective date on or after
8 8 July 5, 2009.
8 9 LSB 1434DP 83
8 10 ak/rj/14.1

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

House Study Bill 109

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

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

A BILL FOR

An Act relating to economic development by providing for an innovation and commercialization development fund, making the department of revenue responsible for approving certain tax credits for third=party developers, making appropriations, and providing an effective date.

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

TLSB 1231DP 83
tw/mg:sc/5

House Study Bill 109 continued

PAG LIN

1 1 DIVISION I
1 2 INNOVATION AND COMMERCIALIZATION DEVELOPMENT FUND
1 3 Section 1. Section 15.411, subsections 1 and 9, Code 2009,
1 4 are amended to read as follows:
1 5 1. As used in this ~~section~~ part, unless the context
1 6 otherwise requires:
1 7 a. "Internship" means temporary employment of a student
1 8 that focuses on providing the student with work experience in
1 9 the student's field of study.
1 10 b. "Targeted industries" means the industries of advanced
1 11 manufacturing, biosciences, and information technology.
1 12 9. In each fiscal year, the department may ~~expend~~ transfer
1 13 additional moneys that become available to the department from
1 14 sources such as loan repayments or recaptures of awards from
1 15 federal economic stimulus funds to the innovation and
1 16 commercialization development fund created in section 15.412
1 17 provided the department spends those moneys for the
1 18 implementation of the recommendations included in the separate
1 19 consultant reports on bioscience, advanced manufacturing,
1 20 information technology, and entrepreneurship submitted to the
1 21 department in calendar years 2004, 2005, and 2006.
1 22 Sec. 2. NEW SECTION. 15.412 INNOVATION AND
1 23 COMMERCIALIZATION DEVELOPMENT FUND.
1 24 1. a. An innovation and commercialization development
1 25 fund is created in the state treasury under the control of the
1 26 department. The fund shall consist of moneys appropriated to
1 27 the department and any other moneys available to, obtained, or
1 28 accepted by the department for placement in the fund.
1 29 b. Payments of interest, repayments of moneys loaned
1 30 pursuant to this section, and recaptures of financial
1 31 assistance shall be credited to the fund. Moneys in the fund
1 32 are not subject to section 8.33. Notwithstanding section
1 33 12C.7, interest or earnings on moneys in the fund shall be
1 34 credited to the fund.
1 35 2. Moneys in the fund are appropriated to the department

House Study Bill 109 continued

2 1 and, with the approval of the board, shall be used to
2 2 facilitate agreements, enhance commercialization in the
2 3 targeted industries, and increase the availability of skilled
2 4 workers within the targeted industries.
2 5 3. Moneys in the fund, with the approval of the board, may
2 6 also be used for the following purposes:
2 7 a. For assistance to entities providing student internship
2 8 opportunities.
2 9 b. For increasing career awareness training.
2 10 c. For recruiting management talent.
2 11 d. For assistance to entities engaged in prototype and
2 12 concept development activities.
2 13 e. For developing a statewide commercialization network.
2 14 f. For deploying and maintaining an Iowa entrepreneur
2 15 website.
2 16 g. For funding asset mapping and supply chain initiatives,
2 17 including for identifying methods of supporting lean
2 18 manufacturing practices or processes.
2 19 h. For information technology training.
2 20 i. For networking events to facilitate the transfer of
2 21 technology among researchers and industries.
2 22 j. For funding student competition programs.
2 23 k. For the purchase of advanced equipment and software at
2 24 Iowa community colleges in order to support training and
2 25 coursework related to the targeted industries.
2 26 Sec. 3. Section 15G.111, subsection 8, Code 2009, is
2 27 amended to read as follows:
2 28 8. a. For the fiscal period beginning July 1, 2007, and
2 29 ending June 30, ~~2015~~ 2009, there is appropriated for each
2 30 fiscal year from the grow Iowa values fund created in section
2 31 15G.108 to the department of economic development three
2 32 million dollars for the purpose of providing the
2 33 commercialization services described in section 15.411,
2 34 subsections 2 and 3.
2 35 b. For the fiscal period beginning July 1, 2009, and

House Study Bill 109 continued

3 1 ending June 30, 2015, there is appropriated each fiscal year
3 2 from the grow Iowa values fund created in section 15G.108 to
3 3 the department of economic development three million dollars
3 4 for transfer to the innovation and commercialization
3 5 development fund created in section 15.412.
3 6 DIVISION II
3 7 TAX CREDITS FOR THIRD=PARTY DEVELOPERS
3 8 Sec. 4. Section 15.331C, subsection 2, Code 2009, is
3 9 amended to read as follows:
3 10 2. A third=party developer shall state under oath, on
3 11 forms provided by the department of ~~economic development~~
3 12 revenue, the amount of taxes paid as described in subsection 1
3 13 and shall submit such forms to the department of revenue. The
3 14 taxes paid shall be itemized to allow identification of the
3 15 taxes attributable to racks, shelving, and conveyor equipment
3 16 to be used in a warehouse or distribution center. After
3 17 receiving the form from the third=party developer, the
3 18 department of revenue shall issue a tax credit certificate to
3 19 the eligible business equal to the sales and use taxes paid by
3 20 a third=party developer under chapter 423 for gas,
3 21 electricity, water, or sewer utility services, goods, wares,
3 22 or merchandise, or on services rendered, furnished, or
3 23 performed to or for a contractor or subcontractor and used in
3 24 the fulfillment of a written contract relating to the
3 25 construction or equipping of a facility. The department of
3 26 revenue shall also issue a tax credit certificate to the
3 27 eligible business equal to the taxes paid and attributable to
3 28 racks, shelving, and conveyor equipment to be used in a
3 29 warehouse or distribution center. The aggregate combined
3 30 total amount of tax refunds under section 15.331A for taxes
3 31 attributable to racks, shelving, and conveyor equipment to be
3 32 used in a warehouse or distribution center and of tax credit
3 33 certificates issued by the department of revenue for the taxes
3 34 paid and attributable to racks, shelving, and conveyor
3 35 equipment to be used in a warehouse or distribution center

House Study Bill 109 continued

4 1 shall not exceed five hundred thousand dollars in a fiscal
4 2 year. If an applicant for a tax credit certificate does not
4 3 receive a certificate for the taxes paid and attributable to
4 4 racks, shelving, and conveyor equipment to be used in a
4 5 warehouse or distribution center, the application shall be
4 6 considered in succeeding fiscal years. The eligible business
4 7 shall not claim a tax credit under this section unless a tax
4 8 credit certificate issued by the department of ~~economic~~
~~4 9 development~~ revenue is attached to the taxpayer's tax return
4 10 for the tax year for which the tax credit is claimed. A tax
4 11 credit certificate shall contain the eligible business's name,
4 12 address, tax identification number, the amount of the tax
4 13 credit, and other information ~~required~~ deemed necessary by the
4 14 department of revenue.
4 15 DIVISION III
4 16 APPROPRIATIONS
4 17 Sec. 5. 2008 Iowa Acts, chapter 1190, section 4,
4 18 subsection 1, is amended by adding the following new
4 19 paragraph:
4 20 NEW PARAGRAPH. c. Notwithstanding section 8.33, moneys
4 21 appropriated in this subsection that remain unencumbered or
4 22 unobligated at the close of the fiscal year shall not revert
4 23 but shall remain available for expenditure for the purposes
4 24 designated until the close of the succeeding fiscal year.
4 25 Sec. 6. 2008 Iowa Acts, chapter 1190, section 26, is
4 26 amended to read as follows:
4 27 SEC. 26. 2007 Iowa Acts, chapter 207, section 13,
4 28 subsection 3, is amended to read as follows:
4 29 3. Notwithstanding section 8.33, moneys appropriated in
4 30 this section that remain unencumbered or unobligated at the
4 31 close of the fiscal year shall not revert but shall remain
4 32 available for expenditure for the purposes designated ~~until~~
~~4 33 the close of the fiscal year beginning July 1, 2008~~ for
4 34 succeeding fiscal years until expended.
4 35 Sec. 7. 2008 Iowa Acts, chapter 1190, section 27, is

House Study Bill 109 continued

5 1 amended to read as follows:
5 2 SEC. 27. 2007 Iowa Acts, chapter 207, section 14,
5 3 unnumbered paragraph 3, is amended to read as follows:
5 4 Notwithstanding section 8.33, moneys appropriated in this
5 5 section that remain unencumbered or unobligated at the close
5 6 of the fiscal year shall not revert but shall remain available
5 7 for expenditure for the purposes designated ~~until the close of~~
~~5 8 the fiscal year beginning July 1, 2008~~ for succeeding fiscal
5 9 years until expended.
5 10 Sec. 8. 2008 Iowa Acts, chapter 1190, section 28, is
5 11 amended to read as follows:
5 12 SEC. 28. 2007 Iowa Acts, chapter 207, section 15,
5 13 subsection 4, is amended to read as follows:
5 14 4. Notwithstanding section 8.33, moneys appropriated in
5 15 this section that remain unencumbered or unobligated at the
5 16 close of the fiscal year shall not revert but shall remain
5 17 available for expenditure for the purposes designated ~~until~~
~~5 18 the close of the fiscal year beginning July 1, 2008~~ for
5 19 succeeding fiscal years until expended.
5 20 Sec. 9. 2008 Iowa Acts, chapter 1190, section 29, is
5 21 amended to read as follows:
5 22 SEC. 29. 2007 Iowa Acts, chapter 207, section 16,
5 23 unnumbered paragraph 4, is amended to read as follows:
5 24 Notwithstanding section 8.33, moneys appropriated in this
5 25 section that remain unencumbered or unobligated at the close
5 26 of the fiscal year shall not revert but shall remain available
5 27 for expenditure for the purposes designated ~~until the close of~~
~~5 28 the fiscal year beginning July 1, 2008~~ for succeeding fiscal
5 29 years until expended.
5 30 Sec. 10. EFFECTIVE DATE. This division of this Act
5 31 amending 2008 Iowa Acts, chapter 1190, being deemed of
5 32 immediate importance, takes effect upon enactment.
5 33 DIVISION IV
5 34 STRATEGIC PLAN
5 35 Sec. 11. Section 15.104, subsection 2, Code 2009, is

House Study Bill 109 continued

6 1 amended by striking the subsection.
6 2 Sec. 12. Section 15.106, subsection 8, Code 2009, is
6 3 amended by striking the subsection.
6 4 Sec. 13. Section 15.318, subsection 11, unnumbered
6 5 paragraph 1, Code 2009, is amended to read as follows:
6 6 The impact to the state of the proposed project. In
6 7 measuring the economic impact, the department shall award more
6 8 points for projects which ~~have greater consistency with the~~
~~6 9 state strategic plan* than other projects. Greater~~
~~6 10 consistency may include any or all of~~ can demonstrate the
6 11 existence of one or more of the following conditions:
6 12 Sec. 14. Section 15.329, subsection 5, paragraph c,
6 13 unnumbered paragraph 1, Code 2009, is amended to read as
6 14 follows:
6 15 The impact to the state of the proposed project. In
6 16 measuring the economic impact, the department shall place
6 17 greater emphasis on projects which ~~have greater consistency~~
~~6 18 with the state strategic plan* than other projects. Greater~~
~~6 19 consistency may include any or all of~~ can demonstrate the
6 20 existence of one or more of the following conditions:
6 21 Sec. 15. Section 28H.2, subsection 2, Code 2009, is
6 22 amended by striking the subsection.
6 23 Sec. 16. Section 315.11, subsection 2, paragraph a, Code
6 24 2009, is amended by striking the paragraph.
6 25 EXPLANATION
6 26 This bill makes change relating to economic development.
6 27 Division I of the bill creates an innovation and
6 28 commercialization development fund in the state treasury under
6 29 the control of the department of economic development,
6 30 consisting of moneys appropriated to the department and of any
6 31 other moneys the department is authorized to place in the
6 32 fund. The department is authorized to use the moneys in the
6 33 fund for purposes of facilitating agreements and enhancing
6 34 commercialization in the targeted industries, for increasing
6 35 the availability of skilled workers within those targeted

House Study Bill 109 continued

7 1 industries, and other purposes specified in the bill. The
7 2 targeted industries are advanced manufacturing, biosciences,
7 3 and information technology.
7 4 Currently, the department is appropriated $3 million from
7 5 the grow Iowa values fund for purposes of providing
7 6 commercialization services. The bill authorizes the
7 7 department to transfer that $3 million to the innovation and
7 8 commercialization development fund.
7 9 Division II of the bill makes the department of revenue
7 10 responsible for issuing certain corporate tax credits for
7 11 sales and use taxes paid by third=party developers.
7 12 Currently, these tax credits are issued by the department of
7 13 economic development.
7 14 Division III of the bill provides for the nonreversion to
7 15 the general fund of certain moneys appropriated to the
7 16 department of economic development for purposes of general
7 17 administration and administration of the targeted small
7 18 business program for the fiscal year beginning July 1, 2008.
7 19 The moneys appropriated for general purposes are currently
7 20 being used by the department to fund the jumpstart disaster
7 21 assistance program, and providing for the nonreversion of the
7 22 moneys allows the department to continue funding the jumpstart
7 23 disaster assistance program during the fiscal year beginning
7 24 July 1, 2009. This nonreversion provision takes effect upon
7 25 enactment.
7 26 Division IV of the bill makes changes in conformance with
7 27 2008 Iowa Acts, chapter 1122, which struck a requirement that
7 28 the department prepare a three=year comprehensive, or state,
7 29 strategic plan. The bill strikes and amends a number of Code
7 30 provisions referencing the stricken plan.
7 31 LSB 1231DP 83
7 32 tw/mg:sc/5

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

House Study Bill 91

SENATE/HOUSE FILE
BY (PROPOSED JUDICIAL
BRANCH BILL)

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

Passed House, Date
Vote: Ayes _____ Nays

A BILL FOR

An Act relating to judicial branch records and providing effective dates.

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

TLSB 1404XD 83
rh/rj/8

House Study Bill 91 continued

PAG LIN

1 1 Section 1. NEW SECTION. 22.0A PURPOSE.
1 2 The purpose of this chapter is to provide as much
1 3 transparency in government operations as possible consistent
1 4 with the need to avoid undue invasions of personal privacy and
1 5 the need to avoid significant interference with the
1 6 achievement of other important and legitimate state
1 7 objectives.
1 8 Sec. 2. NEW SECTION. 22.15 JUDICIAL BRANCH == RULES.
1 9 This chapter does not apply to government records owned,
1 10 created, possessed, or under the control of the judicial
1 11 branch. The supreme court shall prescribe rules governing
1 12 access to such records consistent with the provisions of this
1 13 chapter.
1 14 Sec. 3. Section 232.41, Code 2009, is amended to read as
1 15 follows:
1 16 232.41 REPORTER REQUIRED.
1 17 Stenographic notes or mechanical or electronic recordings
1 18 shall be taken of all court hearings held pursuant to this
1 19 division unless waived by the parties. The child shall not be
1 20 competent to waive the reporting requirement, but waiver may
1 21 be made for the child by the child's counsel or guardian ad
1 22 litem. ~~Matters which must be reported under the provisions of~~
~~1 23 this section shall be reported in the same manner as required~~
~~1 24 in section 624.9.~~
1 25 Sec. 4. Section 232.94, Code 2009, is amended to read as
1 26 follows:
1 27 232.94 REPORTER REQUIRED.
1 28 Stenographic notes or electronic or mechanical recordings
1 29 shall be taken of all court hearings held pursuant to this
1 30 division unless waived by the parties. The child shall not be
1 31 competent to waive the reporting requirement, but waiver may
1 32 be made for the child by the child's counsel or guardian ad
1 33 litem. ~~Matters which must be reported under the provisions of~~
~~1 34 this section shall be reported in the same manner as required~~
~~1 35 in section 624.9.~~

House Study Bill 91 continued

2 1 Sec. 5. Section 232.115, Code 2009, is amended to read as
2 2 follows:
2 3 232.115 REPORTER REQUIRED.
2 4 Stenographic notes or electronic or mechanical recordings
2 5 shall be taken of all court hearings held pursuant to this
2 6 division unless waived by the parties. The child shall not be
2 7 competent to waive the reporting requirement, but waiver may
2 8 be made for the child by the child's counsel or guardian ad
2 9 litem. ~~Matters which must be reported under the provisions of~~
~~2 10 this section shall be reported in the same manner as required~~
~~2 11 in section 624.9.~~
2 12 Sec. 6. Section 252B.24, subsection 2, paragraph b, Code
2 13 2009, is amended to read as follows:
2 14 b. Provision to the unit of information filed with the
2 15 clerk of the district court by a party under section 598.22B~~,~~
~~2 16 and the social security number of a child filed with the clerk~~
~~2 17 of the district court under section 602.6111~~.
2 18 Sec. 7. NEW SECTION. 602.1615 JUDICIAL BRANCH RECORDS.
2 19 1. The supreme court shall prescribe rules regarding the
2 20 creation, storage, retention, duplication, reproduction, final
2 21 disposition, destruction, public availability, and security of
2 22 records of the judicial branch of government.
2 23 2. As used in this section, unless the context otherwise
2 24 requires:
2 25 a. "Administrative records" means all records other than
2 26 court records made or received pursuant to court rule or state
2 27 law, or in connection with the transaction of official
2 28 business of any judicial branch entity.
2 29 b. "Court records" means all contents of the court file,
2 30 including the docket and other similar records generated to
2 31 document activity in a case, transcripts filed with the clerk,
2 32 documentary exhibits in the custody of the clerk, and
2 33 electronic or digital recordings, videotapes, and stenographic
2 34 tapes of court proceedings produced by means authorized by the
2 35 supreme court.

House Study Bill 91 continued

3 1 c. "Records" means records, regardless of physical form,
3 2 characteristics, or means of transmission, made or received in
3 3 connection with the transaction of official business of the
3 4 judicial branch of government, consisting of court records and
3 5 administrative records.
3 6 Sec. 8. Section 602.8103, subsections 2 and 3, Code 2009,
3 7 are amended by striking the subsections.
3 8 Sec. 9. Section 607A.47, Code 2009, is amended to read as
3 9 follows:
3 10 607A.47 JUROR QUESTIONNAIRE.
3 11 The court may, on its own motion, or upon the motion of a
3 12 party to the case or upon the request of a juror, order the
3 13 sealing or partial sealing of a completed juror questionnaire,
3 14 if the court finds that it is necessary to protect the safety
3 15 or privacy of a juror or a family member of a juror, including
3 16 the safety or privacy of a juror or a juror's family member
3 17 who has been the victim of sexual or domestic abuse.
3 18 Sec. 10. Section 602.6111, Code 2009, is repealed.
3 19 Sec. 11. Sections 624.9 through 624.11, Code 2009, are
3 20 repealed.
3 21 Sec. 12. EFFECTIVE DATE.
3 22 1. Except as provided in subsection 2, this Act takes
3 23 effect January 1, 2010.
3 24 2. The section of this Act amending section 607A.47 takes
3 25 effect July 1, 2009.
3 26 EXPLANATION
3 27 This bill relates to judicial branch records and provides
3 28 an effective date.
3 29 The bill provides that the provisions of Code chapter 22
3 30 (Iowa's open records law, relating to the regulation of
3 31 records of a government body as defined in that chapter) do
3 32 not apply to government records owned, created, possessed, or
3 33 under the control of the judicial branch related to the
3 34 performance by the courts of their judicial functions, however
3 35 the supreme court shall prescribe rules governing access to

House Study Bill 91 continued

4 1 such records consistent with the purposes of Code chapter 22.
4 2 The bill provides that the purpose of Code chapter 22 is to
4 3 provide as much transparency in government operations as
4 4 possible consistent with the need to avoid undue invasions of
4 5 personal privacy and the need to avoid significant
4 6 interference with the achievement of other important and
4 7 legitimate state objectives.
4 8 The bill provides that the supreme court shall prescribe
4 9 rules regarding the creation, storage, retention, duplication,
4 10 reproduction, final disposition, destruction, public
4 11 availability, and security of records of the judicial branch
4 12 of government. The bill defines a judicial branch record as a
4 13 record, regardless of physical form, characteristic, or means
4 14 of transmission, made or received in connection with the
4 15 transaction of official business of the judicial branch of
4 16 government, consisting of court records and administrative
4 17 records. "Administrative record" means all records other than
4 18 court records made or received pursuant to court rule or state
4 19 law, or in connection with the transaction of official
4 20 business of any judicial branch entity, and "court record"
4 21 means all contents of the court file, including the docket and
4 22 other similar records generated to document activity in a
4 23 case, transcripts filed with the clerk, documentary exhibits
4 24 in the custody of the clerk, and electronic or digital
4 25 recordings, videotapes, and stenographic tapes of court
4 26 proceedings produced by means authorized by the supreme court.
4 27 The bill eliminates certain discretionary powers of a clerk
4 28 of court relating to certain methods of reproduction and
4 29 destruction of original court records.
4 30 The bill provides that the court may, on its own motion, or
4 31 upon the motion of a party to the case or upon the request of
4 32 a juror, order the sealing or partial sealing of a completed
4 33 juror questionnaire, if the court finds that it is necessary
4 34 to protect the safety or privacy of a juror or a family member
4 35 of a juror, including the safety or privacy of a juror or a

House Study Bill 91 continued

5 1 juror's family member who has been the victim of sexual or
5 2 domestic abuse.
5 3 The bill repeals Code sections relating to trial court
5 4 practice and procedure including the elimination of certain
5 5 reporting and certification requirements and makes conforming
5 6 changes to certain reporting requirements in juvenile justice
5 7 proceedings.
5 8 The bill repeals a Code section requiring that certain
5 9 identification information be filed with the clerk of the
5 10 district court including social security numbers.
5 11 The bill takes effect on January 1, 2010, except that the
5 12 section of the bill relating to the sealing of juror
5 13 questionnaires takes effect on July 1, 2009.
5 14 LSB 1404XD 83
5 15 rh/rj/8.1

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

House Study Bill 92

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF INSPECTIONS AND APPEALS BILL)

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

A BILL FOR

An Act relating to a state false claims Act, providing penalties, and providing an effective date and applicability provision.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1346DP 83
pf/nh/5

House Study Bill 92 continued

PAG LIN

1 1 Section 1. NEW SECTION. 685.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Claim" means any request or demand for money,
1 5 property, or services made to any employee, officer, or agent
1 6 of the state, or to any contractor, grantee, or other
1 7 recipient, whether under contract or not, if any portion of
1 8 the money, property, or services requested or demanded issued
1 9 from, or was provided by, the state, or if the state will
1 10 reimburse the contractor, grantee, or other recipient for any
1 11 portion of the money or property which is requested or
1 12 demanded.
1 13 2. "Employer" means any natural person, corporation, firm,
1 14 association, organization, partnership, business, trust, or
1 15 state=affiliated entity involved in a nongovernmental
1 16 function, including state universities and state hospitals.
1 17 3. a. "Knowing" or "knowingly" means that a person, with
1 18 respect to information, does any of the following:
1 19 (1) Has actual knowledge of the information.
1 20 (2) Acts in deliberate ignorance of the truth or falsity
1 21 of the information.
1 22 (3) Acts in reckless disregard of the truth or falsity of
1 23 the information.
1 24 b. "Knowing" or "knowingly" with respect to information
1 25 does not require proof of specific intent to defraud.
1 26 4. "Qui tam plaintiff" means a private plaintiff who
1 27 brings an action under this chapter on behalf of the state.
1 28 Sec. 2. NEW SECTION. 685.2 ACTS SUBJECTING PERSON TO
1 29 TREBLE DAMAGES, COSTS, AND CIVIL PENALTIES == EXCEPTIONS.
1 30 1. A person who commits any of the following acts is
1 31 liable to the state for three times the amount of damages
1 32 which the state sustains because of the act of that person. A
1 33 person who commits any of the following acts shall also be
1 34 liable to the state for the costs of a civil action brought to
1 35 recover any of those penalties or damages, and shall be liable

House Study Bill 92 continued

2 1 to the state for a civil penalty of not less than five
2 2 thousand dollars and not more than ten thousand dollars for
2 3 each violation:
2 4 a. Knowingly presents or causes to be presented to any
2 5 employee, officer, or agent of the state, or to any
2 6 contractor, grantee, or other recipient of state funds, a
2 7 false or fraudulent claim for payment or approval.
2 8 b. Knowingly makes, uses, or causes to be made or used, a
2 9 false record or statement to get a false or fraudulent claim
2 10 paid or approved.
2 11 c. Conspires to defraud the state by getting a false claim
2 12 allowed or paid, or conspires to defraud the state by
2 13 knowingly making, using, or causing to be made or used, a
2 14 false record or statement to conceal, avoid, or decrease an
2 15 obligation to pay or transmit money or property to the state.
2 16 d. Has possession, custody, or control of public property
2 17 or money used or to be used by the state and knowingly
2 18 delivers or causes to be delivered less property than the
2 19 amount for which the person receives a certificate or receipt.
2 20 e. Is authorized to make or deliver a document certifying
2 21 receipt of property used or to be used by the state and
2 22 knowingly makes or delivers a receipt that falsely represents
2 23 the property used or to be used.
2 24 f. Knowingly buys, or receives as a pledge of an
2 25 obligation or debt, public property from any person who
2 26 lawfully may not sell or pledge the property.
2 27 g. Knowingly makes, uses, or causes to be made or used, a
2 28 false record or statement to conceal, avoid, or decrease an
2 29 obligation to pay or transmit money or property to the state.
2 30 h. Is a beneficiary of an inadvertent submission of a
2 31 false claim to any employee, officer, or agent of the state,
2 32 or to any contractor, grantee, or other recipient of state
2 33 funds, subsequently discovers the falsity of the claim, and
2 34 fails to disclose the false claim to the attorney general
2 35 within a reasonable time after discovery of the false claim.

House Study Bill 92 continued

3 1 2. Notwithstanding subsection 1, the court may assess not
3 2 less than two times the amount of damages which the state
3 3 sustains because of the act of the person described in
3 4 subsection 1, and no civil penalty, if the court finds all of
3 5 the following:
3 6 a. The person committing the violation furnished the
3 7 attorney general with all information known to that person
3 8 about the violation within thirty days after the date on which
3 9 the person first obtained the information.
3 10 b. The person fully cooperated with any investigation by
3 11 the attorney general.
3 12 c. At the time the person furnished the attorney general
3 13 with information about the violation, a criminal prosecution,
3 14 civil action, or administrative action had not commenced with
3 15 respect to the violation, and the person did not have actual
3 16 knowledge of the existence of an investigation into the
3 17 violation.
3 18 3. This section shall not apply to claims, records, or
3 19 statements made under Title X relating to state revenue and
3 20 taxation.
3 21 Sec. 3. NEW SECTION. 685.3 INVESTIGATIONS AND
3 22 PROSECUTIONS == POWERS OF PROSECUTING AUTHORITY == CIVIL
3 23 ACTIONS BY INDIVIDUALS AS QUI TAM PLAINTIFFS AND AS PRIVATE
3 24 CITIZENS == JURISDICTION OF COURTS.
3 25 1. The attorney general shall diligently investigate a
3 26 violation under section 685.2. If the attorney general finds
3 27 that a person has violated or is violating section 685.2, the
3 28 attorney general may bring a civil action under this section
3 29 against that person.
3 30 2. a. A person may bring a civil action for a violation
3 31 of this chapter for the person and for the state in the name
3 32 of the state. The person bringing the action shall be
3 33 referred to as the qui tam plaintiff. Once filed, the action
3 34 may be dismissed only with the written consent of the court,
3 35 taking into account the best interest of the parties involved

House Study Bill 92 continued

4 1 and the public purposes behind this chapter.
4 2 b. A copy of the complaint and written disclosure of
4 3 substantially all material evidence and information the person
4 4 possesses shall be served on the attorney general. The
4 5 complaint shall also be filed in camera, shall remain under
4 6 seal for at least sixty days, and shall not be served on the
4 7 defendant until the court so orders. The attorney general may
4 8 elect to intervene and proceed with the action within sixty
4 9 days after the attorney general receives both the complaint
4 10 and the material evidence and the information.
4 11 c. The attorney general may, for good cause shown, move
4 12 the court for extensions of the time during which the
4 13 complaint remains under seal under paragraph "b". Any such
4 14 motions may be supported by affidavits or other submissions in
4 15 camera. The defendant shall not be required to respond to any
4 16 complaint filed under this section until after the complaint
4 17 is unsealed and served upon the defendant pursuant to rules of
4 18 civil procedure.
4 19 d. Before the expiration of the sixty=day period or any
4 20 extensions obtained under paragraph "c", the attorney general
4 21 shall do one of the following:
4 22 (1) Proceed with the action, in which case the action
4 23 shall be conducted by the attorney general.
4 24 (2) Notify the court that the attorney general declines to
4 25 take over the action, in which case the person bringing the
4 26 action shall have the right to conduct the action.
4 27 e. When a person brings a valid action under this section,
4 28 no person other than the attorney general may intervene or
4 29 bring a related action based on the facts underlying the
4 30 pending action.
4 31 3. a. If the attorney general proceeds with the action,
4 32 the attorney general shall have the primary responsibility for
4 33 prosecuting the action, and shall not be bound by an act of
4 34 the person bringing the action. Such person shall have the
4 35 right to continue as a party to the action, subject to the

House Study Bill 92 continued

5 1 limitations specified in paragraph "b".
5 2 b. (1) The attorney general may move to dismiss the
5 3 action for good cause notwithstanding the objections of the
5 4 qui tam plaintiff if the qui tam plaintiff has been notified
5 5 by the attorney general of the filing of the motion and the
5 6 court has provided the qui tam plaintiff with an opportunity
5 7 to oppose the motion and present evidence at a hearing.
5 8 (2) The attorney general may settle the action with the
5 9 defendant notwithstanding the objections of the qui tam
5 10 plaintiff if the court determines, after a hearing providing
5 11 the qui tam plaintiff an opportunity to present evidence, that
5 12 the proposed settlement is fair, adequate, and reasonable
5 13 under all of the circumstances.
5 14 (3) Upon a showing by the attorney general that
5 15 unrestricted participation during the course of the litigation
5 16 by the person initiating the action would interfere with or
5 17 unduly delay the attorney general's prosecution of the case,
5 18 or would be repetitious, irrelevant, or for purposes of
5 19 harassment, the court may, in its discretion, impose
5 20 limitations on the person's participation, including but not
5 21 limited to any of the following:
5 22 (a) Limiting the number of witnesses the person may call.
5 23 (b) Limiting the length of the testimony of such
5 24 witnesses.
5 25 (c) Limiting the person's cross=examination of witnesses.
5 26 (d) Otherwise limiting the participation by the person in
5 27 the litigation.
5 28 (4) Upon a showing by the defendant that unrestricted
5 29 participation during the course of the litigation by the
5 30 person initiating the action would be for purposes of
5 31 harassment or would cause the defendant undue burden or
5 32 unnecessary expense, the court may limit the participation by
5 33 the person in the litigation.
5 34 c. If the attorney general elects not to proceed with the
5 35 action, the person who initiated the action shall have the

House Study Bill 92 continued

6 1 right to conduct the action. If the attorney general
6 2 requests, the attorney general shall be served with copies of
6 3 all pleadings filed in the action and shall be supplied with
6 4 copies of all deposition transcripts at the state's expense.
6 5 When a person proceeds with the action, the court, without
6 6 limiting the status and rights of the person initiating the
6 7 action, may permit the attorney general to intervene at a
6 8 later date upon a showing of good cause.
6 9 d. Whether or not the attorney general proceeds with the
6 10 action, upon a showing by the attorney general that certain
6 11 actions of discovery by the person initiating the action would
6 12 interfere with the attorney general's investigation or
6 13 prosecution of a criminal or civil matter arising out of the
6 14 same facts, the court may stay such discovery for a period of
6 15 not more than sixty days. Such a showing shall be conducted in
6 16 camera. The court may extend the sixty=day period upon a
6 17 further showing in camera that the attorney general has
6 18 pursued the criminal or civil investigation or proceedings
6 19 with reasonable diligence and any proposed discovery in the
6 20 civil action will interfere with the ongoing criminal or civil
6 21 investigation or proceedings.
6 22 e. Notwithstanding subsection 2, the attorney general may
6 23 elect to pursue the state's claim through any alternate remedy
6 24 available to the state, including any administrative
6 25 proceeding to determine a civil penalty. If any such
6 26 alternate remedy is pursued in another proceeding, the person
6 27 initiating the action shall have the same rights in such
6 28 proceeding as such person would have had if the action had
6 29 continued under this section. Any finding of fact or
6 30 conclusion of law made in such other proceeding that has
6 31 become final with respect to a party who is also a party to an
6 32 action under this section, shall be conclusive as to all such
6 33 parties to an action under this section. For purposes of this
6 34 paragraph, a finding or conclusion is final if it has been
6 35 finally determined on appeal to the appropriate court of the

House Study Bill 92 continued

7 1 state, if all time for filing such an appeal with respect to
7 2 the finding or conclusion has expired, or if the finding or
7 3 conclusion is not subject to judicial review.
7 4 4. a. (1) If the attorney general proceeds with an
7 5 action brought by a person under subsection 2, the person
7 6 shall, subject to subparagraph (2), receive at least fifteen
7 7 percent but not more than twenty=five percent of the proceeds
7 8 of the action or settlement of the claim, which includes
7 9 damages, civil penalties, payments for costs of compliance,
7 10 and any other economic benefit realized by the state or
7 11 federal government as a result of the action, depending upon
7 12 the extent to which the person substantially contributed to
7 13 the prosecution of the action.
7 14 (2) If the action is one which the court finds to be based
7 15 primarily on disclosures of specific information, other than
7 16 information provided by the person bringing the action,
7 17 relating to allegations or transactions specifically in a
7 18 criminal, civil, or administrative hearing, or in a
7 19 legislative or administrative report, hearing, audit, or
7 20 investigation, or from the news media, the court may award an
7 21 amount the court considers appropriate, but in no case more
7 22 than ten percent of the proceeds, taking into account the
7 23 significance of the information and the role of the person
7 24 bringing the action in advancing the case to litigation.
7 25 (3) Any payment to a person under subparagraph (1) or (2)
7 26 shall be made from the proceeds. Any such person shall also
7 27 receive an amount for reasonable expenses which the
7 28 appropriate court finds to have been necessarily incurred,
7 29 plus reasonable attorney fees and costs. All such expenses,
7 30 fees, and costs shall be awarded against the defendant.
7 31 b. If the attorney general does not proceed with an action
7 32 under this section, the person bringing the action or settling
7 33 the claim shall receive an amount which the court decides is
7 34 reasonable for collecting the civil penalty and damages. The
7 35 amount shall be not less than twenty=five percent and not more

House Study Bill 92 continued

8 1 than thirty percent of the proceeds of the action or
8 2 settlement and shall be paid out of such proceeds, which
8 3 includes damages, civil penalties, payments for costs of
8 4 compliance, and any other economic benefit realized by the
8 5 state or federal government as a result of the action. Such
8 6 person shall also receive an amount for reasonable expenses
8 7 which the appropriate court finds to have been necessarily
8 8 incurred, plus reasonable attorney fees and costs. All such
8 9 expenses, fees, and costs shall be awarded against the
8 10 defendant.
8 11 c. Whether or not the attorney general proceeds with the
8 12 action, if the court finds that the action was brought by a
8 13 person who planned and initiated the violation of section
8 14 685.2 upon which the action was brought, the court may, to the
8 15 extent the court considers appropriate, reduce the share of
8 16 the proceeds of the action which the person would otherwise
8 17 receive under paragraph "a" or "b", taking into account the
8 18 role of that person in advancing the case to litigation and
8 19 any relevant circumstances pertaining to the violation. If
8 20 the person bringing the action is convicted of criminal
8 21 conduct arising from the person's role in the violation of
8 22 section 685.2, the person shall be dismissed from the civil
8 23 action and shall not receive any share of the proceeds of the
8 24 action. Such dismissal shall not prejudice the right of the
8 25 attorney general to continue the action.
8 26 d. If the attorney general does not proceed with the
8 27 action and the person bringing the action conducts the action,
8 28 the court may award to the defendant reasonable attorney fees
8 29 and expenses if the defendant prevails in the action and the
8 30 court finds that the claim of the person bringing the action
8 31 was clearly frivolous, clearly vexatious, or brought primarily
8 32 for purposes of harassment.
8 33 5. a. A court shall not have jurisdiction over an action
8 34 brought under subsection 2 against a member of the general
8 35 assembly, a member of the judiciary, or an executive branch

House Study Bill 92 continued

9 1 official if the action is based on evidence or information
9 2 known to the attorney general when the action was brought.
9 3 b. A person shall not bring an action under subsection 2
9 4 which is based upon allegations or transactions which are the
9 5 subject of a civil suit or an administrative civil penalty
9 6 proceeding in which the state is already a party.
9 7 c. Upon motion of the attorney general, the court may in
9 8 consideration of all the equities, dismiss a qui tam plaintiff
9 9 if the elements of the actionable false claims alleged in the
9 10 qui tam complaint have been publicly disclosed specifically in
9 11 the news media or in a publicly disseminated governmental
9 12 report, at the time the complaint is filed.
9 13 d. The state is not liable for expenses which a person
9 14 incurs in bringing an action under this section.
9 15 6. Any employee who is discharged, demoted, suspended,
9 16 threatened, harassed, or in any other manner discriminated
9 17 against in the terms and conditions of employment by the
9 18 person's employer because of lawful acts performed by the
9 19 employee on behalf of the employee or others in furtherance of
9 20 an action under this section, including investigation for,
9 21 initiation of, testimony for, or assistance in an action filed
9 22 or to be filed under this section, shall be entitled to all
9 23 relief necessary to make the employee whole. Such relief
9 24 shall include reinstatement with the same seniority status
9 25 such employee would have had but for the discrimination, two
9 26 times the amount of back pay, interest on the back pay, and
9 27 compensation for any special damages sustained as a result of
9 28 the discrimination, including litigation costs and reasonable
9 29 attorney fees. An employee may bring an action in the
9 30 appropriate court of the state for the relief provided in this
9 31 subsection.
9 32 Sec. 4. NEW SECTION. 685.4 LIMITATION OF ACTIONS ==
9 33 BURDEN OF PROOF.
9 34 1. A civil action under section 685.3 shall not be brought
9 35 more than ten years after the date on which the violation was

House Study Bill 92 continued

10 1 committed.
10 2 2. A civil action under section 685.3 may be brought based
10 3 on activity prior to January 1, 2007, if the limitations
10 4 period pursuant to subsection 1 has not lapsed.
10 5 3. In any action brought under section 685.3, the attorney
10 6 general or the qui tam plaintiff shall be required to prove
10 7 all essential elements of the cause of action, including
10 8 damages, by a preponderance of the evidence.
10 9 4. Notwithstanding any other provision of law, a guilty
10 10 verdict rendered in a criminal proceeding charging false
10 11 statements or fraud, whether upon a verdict after trial or
10 12 upon a plea of guilty or nolo contendere, shall estop the
10 13 defendant from denying the essential elements of the offense
10 14 in any action which involves the same transaction as in the
10 15 criminal proceeding and which is brought under section 685.3,
10 16 subsection 1, 2, or 3.
10 17 Sec. 5. NEW SECTION. 685.5 REMEDIES UNDER OTHER LAWS ==
10 18 APPLICATION.
10 19 1. The provisions of this chapter are not exclusive, and
10 20 the remedies provided for in this chapter shall be in addition
10 21 to any other remedies provided for in any other law or
10 22 available under common law.
10 23 2. This chapter shall be liberally construed and applied
10 24 to promote the public interest. This chapter shall also be
10 25 construed and applied in a manner that reflects the
10 26 congressional intent behind the federal False Claims Act, 31
10 27 U.S.C. } 3729=3733, including the legislative history
10 28 underlying the 1986 amendments to the federal False Claims
10 29 Act.
10 30 Sec. 6. NEW SECTION. 685.6 VENUE.
10 31 An action brought under this chapter may be brought in any
10 32 judicial district in which the defendant or, in the case of
10 33 multiple defendants, any one defendant can be found, resides,
10 34 transacts business, or in which any act proscribed under this
10 35 chapter occurred. A summons as required by the rules of civil

House Study Bill 92 continued

11 1 procedure shall be issued by the appropriate district court
11 2 and service at any place within or outside the United States.
11 3 Sec. 7. EFFECTIVE DATE == RETROACTIVE APPLICABILITY. This
11 4 Act, being deemed of immediate importance, takes effect upon
11 5 enactment and is retroactively applicable to January 1, 2007.
11 6 EXPLANATION
11 7 This bill establishes a state false claims Act to allow a
11 8 procedure for the state and private individuals to bring an
11 9 action for fraud against another person that might result in
11 10 financial loss to the government. The federal Deficit
11 11 Reduction Act of 2005, Pub. L. No. 109=171, } 6032, provided
11 12 financial encouragement to states to have in effect a law
11 13 dealing with false or fraudulent claims that meets certain
11 14 federal requirements. If a state has such a law in place,
11 15 when recoveries are made for Medicaid funds improperly paid,
11 16 the share owed to the federal government will be decreased by
11 17 10 percent. This provision of the federal Deficit Reduction
11 18 Act took effect January 1, 2007.
11 19 The bill provides definitions of "claim", "employer",
11 20 "knowing" or "knowingly", and "qui tam plaintiff" which means
11 21 a private plaintiff who brings an action under the bill on
11 22 behalf of the state.
11 23 The bill provides that a person who commits certain
11 24 specified acts is liable to the state for three times the
11 25 amount of damages which the state sustains because of the act
11 26 of that person, and is also liable to the state for the costs
11 27 of a civil action brought to recover any of those penalties or
11 28 damages, and for a civil penalty of not less than $5,000 and
11 29 not more than $10,000 for each violation. The prohibited acts
11 30 include: knowingly presenting or causing to be presented to
11 31 any employee, officer, or agent of the state, or to any
11 32 contractor, grantee, or other recipient of state funds, a
11 33 false or fraudulent claim for payment or approval; knowingly
11 34 making, using, or causing to be made or used, a false record
11 35 or statement to get a false or fraudulent claim paid or

House Study Bill 92 continued

12 1 approved; conspiring to defraud the state by getting a false
12 2 claim allowed or paid, or conspiring to defraud the state by
12 3 knowingly making, using, or causing to be made or used, a
12 4 false record or statement to conceal, avoid, or decrease an
12 5 obligation to pay or transmit money or property to the state;
12 6 having possession, custody, or control of public property or
12 7 money used or to be used by the state and knowingly delivering
12 8 or causing to be delivered less property than the amount for
12 9 which the person receives a certificate or receipt; being
12 10 authorized to make or deliver a document certifying receipt of
12 11 property used or to be used by the state and knowingly making
12 12 or delivering a receipt that falsely represents the property
12 13 used or to be used; knowingly buying or receiving as a pledge
12 14 of an obligation or debt, public property from any person who
12 15 lawfully may not sell or pledge the property; knowingly
12 16 making, using, or causing to be made or used, a false record
12 17 or statement to conceal, avoid, or decrease an obligation to
12 18 pay or transmit money or property to the state; and being a
12 19 beneficiary of an inadvertent submission of a false claim to
12 20 any employee, officer, or agent of the state, or to any
12 21 contractor, grantee, or other recipient of state funds,
12 22 subsequently discovering the falsity of the claim, and failing
12 23 to disclose the false claim to the attorney general within a
12 24 reasonable time after discovery of the false claim. The bill
12 25 provides for an assessment of a lesser amount of damages under
12 26 certain circumstances.
12 27 The bill provides a process for the attorney general to
12 28 investigate and bring civil actions under the bill. The bill
12 29 also provides a process for a person to bring a civil action
12 30 for a violation of the bill for the person and for the state
12 31 in the name of the state as a qui tam plaintiff. The bill
12 32 provides for awards to the qui tam plaintiff, bars certain
12 33 actions including those brought against a member of the state
12 34 legislature, a member of the judicial branch or an executive
12 35 branch official if the action is based on evidence or

House Study Bill 92 continued

13 1 information known to the attorney general when the action was
13 2 brought and other actions in which the state is already a
13 3 party. The bill provides that the state is not liable for
13 4 expenses which a person incurs in bringing an action under the
13 5 bill, and provides for relief to a person who is retaliated
13 6 against by an employer for bringing a private action under the
13 7 bill.
13 8 The bill provides that a civil action under the bill must
13 9 be brought not more than 10 years after the date on which the
13 10 violation was committed, and requires the attorney general or
13 11 the private plaintiff to prove all essential elements of the
13 12 cause of action by a preponderance of the evidence.
13 13 LSB 1346DP 83
13 14 pf/nh/5.1

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

House Study Bill 93

HOUSE FILE
BY (PROPOSED COMMITTEE ON PUBLIC SAFETY BILL BY CHAIRPERSON LYKAM)

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

A BILL FOR

An Act relating to reporting the treatment of serious wounds received as the result of a crime to a law enforcement agency and making penalties applicable.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1575HC 83
jm/nh/5

House Study Bill 93 continued

PAG LIN

1 1 Section 1. Section 147.111, Code 2009, is amended to read
1 2 as follows:
1 3 147.111 REPORT OF TREATMENT OF WOUNDS AND OTHER INJURIES.
1 4 ~~Any~~ A person licensed under the provisions of this subtitle
1 5 or certified under the provisions of chapter 147A who ~~shall~~
1 6 ~~administer~~ administers any treatment to any person suffering a
1 7 gunshot or stab wound or other serious injury, as defined in
1 8 section 702.18, which appears to have been received in
1 9 connection with the commission of a criminal offense including
1 10 the criminal offense of homicide or serious injury by vehicle
1 11 as provided in section 707.6A, or to whom an application is
1 12 made for treatment of any nature because of any such gunshot
1 13 or stab wound or other serious injury, as defined in section
1 14 702.18, shall at once but not later than twelve hours
1 15 thereafter, report that fact to the law enforcement agency
1 16 within whose jurisdiction the treatment was administered or an
1 17 application ~~therefor~~ for treatment was made, or if
1 18 ascertainable, to the law enforcement agency in whose
1 19 jurisdiction the gunshot or stab wound or other serious injury
1 20 occurred, stating the name of such person, the person's
1 21 residence if ascertainable, and giving a brief description of
1 22 the gunshot or stab wound or other serious injury. Any
1 23 provision of law or rule of evidence relative to confidential
1 24 communications is suspended insofar as the provisions of this
1 25 section are concerned.
1 26 EXPLANATION
1 27 This bill relates to reporting the treatment of serious
1 28 wounds to a law enforcement agency.
1 29 The bill specifies that a first responder, an emergency
1 30 medical care provider, or any other person certified under
1 31 Code chapter 147A is required to report the treatment of any
1 32 gunshot or stab wound, or any other serious injury, to the
1 33 local law enforcement agency, if such an injury is received in
1 34 connection with the commission of a criminal offense. Current
1 35 law specifies that a person licensed under Code chapter 147 is

House Study Bill 93 continued

2 1 required to report such serious injuries received in
2 2 connection with a criminal offense to a local law enforcement
2 3 agency.
2 4 The bill also specifies that serious injuries received in
2 5 connection with the criminal offense of homicide or serious
2 6 injury by vehicle are to be reported to the local law
2 7 enforcement agency.
2 8 Under the bill and in current law, any law or rule relating
2 9 to confidential information is suspended in order to
2 10 effectuate the reporting of a serious wound received from the
2 11 commission of a criminal offense.
2 12 A person who violates the bill commits a simple misdemeanor
2 13 as provided in Code section 147.113.
2 14 A simple misdemeanor is punishable by confinement for no
2 15 more than 30 days or a fine of at least $65 but not more than
2 16 $625 or by both.
2 17 LSB 1575HC 83
2 18 jm/nh/5

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

House Study Bill 94

HOUSE FILE
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON LYKAM)

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

A BILL FOR

An Act relating to the authorized uses of local exchange service information by specified individuals and entities.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1888HC 83
rn/nh/14

House Study Bill 94 continued

PAG LIN

1 1 Section 1. Section 34A.8, subsection 2, paragraph b, Code
1 2 2009, is amended to read as follows:
1 3 b. The program manager, joint E911 service board, the
1 4 designated E911 service provider, and the public safety
1 5 answering point, their agents, employees, and assigns shall
1 6 use local exchange service information provided by the local
1 7 exchange service provider solely for the purposes of providing
1 8 E911 emergency telephone service or providing related services
1 9 utilizing only the subscriber's information to a subscriber
1 10 who consents to the provision of such services, and it shall
1 11 otherwise be kept confidential. A person who violates this
1 12 section is guilty of a simple misdemeanor.
1 13 EXPLANATION
1 14 This bill concerns the authorized use of local exchange
1 15 service information provided by a local exchange service
1 16 provider. Current law provides that an E911 program manager,
1 17 joint E911 service board, designated E911 service provider,
1 18 and a public safety answering point, their agents, employees,
1 19 and assigns shall use local exchange service information
1 20 provided by the local exchange service provider solely for the
1 21 purposes of providing E911 emergency telephone service.
1 22 Otherwise, current law provides that such information shall be
1 23 kept confidential.
1 24 The bill modifies this provision to permit local exchange
1 25 service information to be utilized by such individuals or
1 26 entities to provide services related to the provision of E911
1 27 emergency telephone service. The bill provides that the
1 28 related services would be provided to a subscriber utilizing
1 29 only that subscriber's information and with the subscriber's
1 30 consent.
1 31 LSB 1888HC 83
1 32 rn/nh/14

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

House Study Bill 95

SENATE/HOUSE FILE
BY (PROPOSED ATTORNEY
GENERAL BILL)

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

A BILL FOR

An Act making changes to the criminal offense of indecent exposure and providing penalties.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1341DP 83
jm/rj/14

House Study Bill 95 continued

PAG LIN

1 1 Section 1. Section 709.9, Code 2009, is amended by
1 2 striking the section and inserting in lieu thereof the
1 3 following:
1 4 709.9 INDECENT EXPOSURE.
1 5 A person commits a serious misdemeanor if, for the purpose
1 6 of arousing or satisfying the sexual desires of the person or
1 7 another person who is not the person's spouse, the person
1 8 exposes the person's genitals or pubes, commits a sex act, or
1 9 masturbates under circumstances in which the person knows or
1 10 reasonably should know that the conduct is likely to cause
1 11 affront or alarm.
1 12 EXPLANATION
1 13 This bill modifies the criminal offense of indecent
1 14 exposure.
1 15 The bill is in response to State v. Isaac, 756 N.W.2d 817
1 16 (Iowa 2008).
1 17 Under the bill, a person commits indecent exposure if, for
1 18 the purpose of arousing or satisfying the sexual desires of
1 19 the person or another person who is not the person's spouse,
1 20 the person exposes the person's genitals or pubes, commits a
1 21 sex act, or masturbates under circumstances in which the
1 22 person knows or reasonably should know that the conduct is
1 23 likely to cause affront or alarm.
1 24 Current law provides that the indecent exposure of a
1 25 person's genitals or pubes be directed to another for the
1 26 purpose of sexual arousal or gratification and that the person
1 27 knows or reasonably should know that the act is offensive to
1 28 the viewer. In addition, current law provides that a sex act
1 29 be committed in the presence of or view of a third person to
1 30 arouse or satisfy the sexual desires of either party, and the
1 31 person knows or reasonably should know that the act is
1 32 offensive to the viewer. Current law also does not specify
1 33 that masturbation can be indecent exposure under certain
1 34 circumstances.
1 35 Under the bill and in current law, a person who commits

House Study Bill 95 continued

2 1 indecent exposure is guilty of a simple misdemeanor. In
2 2 addition, under the bill and in current law, a person who
2 3 commits indecent exposure is subject to a special sentence
2 4 pursuant to Code section 903B.2, and is also required to
2 5 register as a sex offender.
2 6 LSB 1341DP 83
2 7 jm/rj/14.1

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

House Study Bill 96

SENATE/HOUSE FILE
BY (PROPOSED ATTORNEY GENERAL BILL)

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

Passed House, Date
Vote: Ayes _____ Nays

A BILL FOR

An Act relating to the possession, distribution, and reporting of obscene material and making penalties applicable.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1370DP 83
jm/rj/14

House Study Bill 96 continued

PAG LIN

1 1 Section 1. Section 728.1, subsection 3, Code 2009, is
1 2 amended to read as follows;
1 3 3. "Material" means any book, magazine, newspaper or other
1 4 printed or written material or any picture, drawing,
1 5 photograph, motion picture, or other pictorial representation
1 6 or any statue or other figure, or any recording, transcription
1 7 or mechanical, chemical or electrical reproduction, or any
1 8 live transmission, or any other articles, equipment, machines
1 9 or materials.
1 10 Sec. 2. Section 728.1, subsection 7, paragraphs e and g,
1 11 Code 2009, are amended to read as follows:
1 12 e. Sadomasochistic abuse of a minor for the purpose of
1 13 arousing or satisfying the sexual desires of a person who may
1 14 view a visual depiction of the abuse.
1 15 g. Nudity of a minor for the purpose of arousing or
1 16 satisfying the sexual desires of a person who may view a
1 17 visual depiction of the nude minor.
1 18 Sec. 3. Section 728.1, Code 2009, is amended by adding the
1 19 following new subsection:
1 20 NEW SUBSECTION. 11. "Visual depiction" means but is not
1 21 limited to any picture, slide, photograph, digital or
1 22 electronic image, negative image, undeveloped film, motion
1 23 picture, videotape, digital or electronic recording, live
1 24 transmission, or other pictorial or three=dimensional
1 25 representation.
1 26 Sec. 4. Section 728.12, subsection 1, Code 2009, is
1 27 amended to read as follows:
1 28 1. It shall be unlawful to employ, use, persuade, induce,
1 29 entice, coerce, solicit, knowingly permit, or otherwise cause
1 30 or attempt to cause a minor to engage in a prohibited sexual
1 31 act or in the simulation of a prohibited sexual act. A person
1 32 must know, or have reason to know, or intend that the act or
1 33 simulated act may be photographed, filmed, or otherwise
1 34 preserved in a ~~negative, slide, book, magazine, computer,~~
~~1 35 computer disk, or other print or visual medium, or be~~

~~House Study Bill 96 continued~~

~~2 1 preserved in an electronic, magnetic, or optical storage~~
~~2 2 system, or in any other type of storage system~~ visual
2 3 depiction. A person who commits a violation of this
2 4 subsection commits a class "C" felony. Notwithstanding
2 5 section 902.9, the court may assess a fine of not more than
2 6 fifty thousand dollars for each offense under this subsection
2 7 in addition to imposing any other authorized sentence.
2 8 Sec. 5. Section 728.12, subsection 3, unnumbered paragraph
2 9 1, Code 2009, is amended to read as follows:
2 10 It shall be unlawful to knowingly purchase or possess a
2 11 ~~negative, slide, book, magazine, computer, computer disk, or~~
~~2 12 other print or visual medium, or an electronic, magnetic, or~~
~~2 13 optical storage system, or any other type of storage system~~
~~2 14 which depicts~~ visual depiction of a minor engaging in a
2 15 prohibited sexual act or the simulation of a prohibited sexual
2 16 act. A person who commits a violation of this subsection
2 17 commits an aggravated misdemeanor for a first offense and a
2 18 class "D" felony for a second or subsequent offense. For
2 19 purposes of this subsection, an offense is considered a second
2 20 or subsequent offense if, prior to the person's having been
2 21 convicted under this subsection, any of the following apply:
2 22 Sec. 6. Section 728.14, subsections 1 and 2, Code 2009,
2 23 are amended to read as follows:
2 24 1. A commercial film and photographic print processor who
2 25 has knowledge of or observes, within the scope of the
2 26 processor's professional capacity or employment, a ~~film,~~
~~2 27 photograph, video tape, negative, or slide which depicts~~
2 28 visual depiction of a minor whom the processor knows or
2 29 reasonably should know to be under the age of eighteen,
2 30 engaged in a prohibited sexual act or in the simulation of a
2 31 prohibited sexual act, shall report the visual depiction to
2 32 the county attorney immediately or as soon as possible as
2 33 required in this section. The processor shall not report to
2 34 the county attorney visual depictions involving mere nudity of
2 35 the minor, but shall report visual depictions involving a

House Study Bill 96 continued

3 1 prohibited sexual act. This section shall not be construed to
3 2 require a processor to review all ~~films, photographs, video~~
~~3 3 tapes, negatives, or slides~~ visual depictions delivered to the
3 4 processor within the processor's professional capacity or
3 5 employment.
3 6 2. For purposes of this section, "prohibited sexual act"
3 7 means any of the following:
3 8 a. A sex act as defined in section 702.17.
3 9 b. An act of bestiality involving a minor.
3 10 c. Fondling or touching the pubes or genitals of a minor
3 11 for the purpose of arousing or satisfying the sexual desires
3 12 of a person who may view a visual depiction of the act.
3 13 d. Fondling or touching the pubes or genitals of a person
3 14 by a minor for the purpose of arousing or satisfying the
3 15 sexual desires of a person who may view a visual depiction of
3 16 the act.
3 17 e. Sadomasochistic abuse of a minor for the purpose of
3 18 arousing or satisfying the sexual desires of a person who may
3 19 view a visual depiction of the abuse.
3 20 f. Sadomasochistic abuse of a person by a minor for the
3 21 purpose of arousing or satisfying the sexual desires of a
3 22 person who may view a visual depiction of the abuse.
3 23 g. Nudity of a minor for the purpose of arousing or
3 24 satisfying the sexual desires of a person who may view a
3 25 visual depiction of the nude minor.
3 26 ~~2.~~ 3. A person who violates this section is guilty of a
3 27 simple misdemeanor.
3 28 EXPLANATION
3 29 This bill relates to the possession or distribution of
3 30 obscene material.
3 31 The bill modifies the definition of "material" in Code
3 32 chapter 728 to include live transmissions.
3 33 Under the bill, the modification of the definition of the
3 34 term "material" results in changes to the elements of the
3 35 following criminal offenses within Code chapter 728:

House Study Bill 96 continued

4 1 dissemination of obscene material to minors (Code section
4 2 728.2), admitting minors to premises where obscene material is
4 3 exhibited (Code section 728.3), rental or sale of hard=core
4 4 pornography (Code section 728.4), sexual exploitation of a
4 5 minor (Code section 728.12(2)), and telephone dissemination of
4 6 obscene material (Code section 728.15).
4 7 The bill also defines the term "visual depiction" within
4 8 Code chapter 728 to include any picture, slide, photograph,
4 9 digital or electronic image, negative image, undeveloped film,
4 10 motion picture, videotape, digital or electronic recording,
4 11 live transmission, or other pictorial or three=dimensional
4 12 representation.
4 13 The changes in the bill to the criminal offense of sexual
4 14 exploitation of a minor in Code section 728.12(3) are in
4 15 response to the State v. Muhlenbruch, 728 N.W.2d 212 (Iowa
4 16 2007).
4 17 The bill modifies the elements of the criminal offense of
4 18 sexual exploitation of a minor in Code section 728.12(3) by
4 19 substituting references for a computer and other types of
4 20 storage systems with the term "visual depiction" as defined by
4 21 the bill. The bill also substitutes "visual depiction" for
4 22 storage systems referenced in Code sections 728.12(1) and
4 23 728.14 to conform with the sexual exploitation of a minor
4 24 changes in Code section 728.12(3) due to the Muhlenbruch case.
4 25 In addition, the word "visual" is added before the word
4 26 "depiction" throughout Code chapter 728 to conform with the
4 27 changes made by the bill.
4 28 LSB 1370DP 83
4 29 jm/rj/14

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

House Study Bill 97

SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S
OFFICE OF DRUG CONTROL
POLICY BILL)

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

A BILL FOR

An Act relating to the sale of a pseudoephedrine product by a pharmacy or retailer, and providing penalties and contingent applicability.

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

TLSB 1250DP 83
jm/rj/14

House Study Bill 97 continued

PAG LIN

1 1 Section 1. Section 124.101, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 20A. "Office" means the governor's office
1 4 of drug control policy as referred to in section 80E.1.
1 5 Sec. 2. Section 124.212, subsection 4, paragraph c, Code
1 6 2009, is amended to read as follows:
1 7 c. Pseudoephedrine. A person shall present a
1 8 government=issued photo identification card when purchasing a
1 9 pseudoephedrine product from a pharmacy. A person shall not
1 10 purchase ~~more than seven thousand five hundred milligrams of~~
~~1 11 pseudoephedrine, either separately or collectively, within a~~
~~1 12 thirty=day period~~ a quantity of pseudoephedrine in violation
1 13 of section 124.213 from a pharmacy, unless the person has a
1 14 prescription for a pseudoephedrine product in excess of that
1 15 quantity. A pseudoephedrine product not excepted from this
1 16 schedule shall be sold by a pharmacy as provided in section
1 17 124.212A.
1 18 Sec. 3. NEW SECTION. 124.212A PHARMACY PSEUDOEPHEDRINE
1 19 SALE == RESTRICTIONS == RECORDS == CONTINGENT APPLICABILITY.
1 20 1. A pharmacy, an employee of a pharmacy, or a licensed
1 21 pharmacist shall do the following:
1 22 a. Provide for the sale of a pseudoephedrine product in a
1 23 locked cabinet or behind the sales counter where the public is
1 24 unable to reach the product and where the public is not
1 25 permitted.
1 26 b. Require the purchaser to present a governmental=issued
1 27 photo identification card identifying the purchaser prior to
1 28 purchasing a pseudoephedrine product.
1 29 c. Provide an electronic logbook for purchasers of
1 30 pseudoephedrine products to sign.
1 31 d. Require the purchaser to sign the electronic logbook.
1 32 If the electronic logbook is not available, require a
1 33 signature that is associated with a transaction number.
1 34 e. Enter the purchaser's name, address, date of purchase,
1 35 time of purchase, name of the pseudoephedrine product

House Study Bill 97 continued

2 1 purchased, and the quantity sold in the electronic logbook.
2 2 If the electronic logbook is unavailable, an alternative
2 3 record shall be kept that complies with the rules adopted by
2 4 both the office and the board.
2 5 f. Determine that the signature in the electronic logbook
2 6 corresponds with the name on the government=issued photo
2 7 identification card.
2 8 g. Provide notice that a purchaser entering a false
2 9 statement or misrepresentation in the electronic logbook may
2 10 subject the purchaser to criminal penalties under 18 U.S.C. }
2 11 1001.
2 12 h. Keep electronic logbook records and any other records
2 13 obtained if the electronic logbook is unavailable for
2 14 twenty=four months from the date of the last entry.
2 15 i. Disclose electronic logbook information and any other
2 16 associated records as provided by state and federal law.
2 17 j. Comply with training requirements pursuant to federal
2 18 law.
2 19 2. This section is not applicable unless sufficient
2 20 funding is received to implement and maintain the statewide
2 21 real=time central repository and the office establishes the
2 22 statewide real=time central repository. However, subsection
2 23 1, paragraph "h" is applicable upon the effective date of this
2 24 Act.
2 25 Sec. 4. NEW SECTION. 124.212B PSEUDOEPHEDRINE SALES ==
2 26 TRACKING == PENALTY == CONTINGENT APPLICABILITY.
2 27 1. The office shall establish a real=time electronic
2 28 repository to monitor and control the sale of schedule V
2 29 products containing any detectible amount of pseudoephedrine,
2 30 its salts, or optical isomers, or salts of optical isomers;
2 31 ephedrine; or phenylpropanolamine. A pharmacy dispensing such
2 32 products shall report all such sales electronically to a
2 33 central repository under the control of the office.
2 34 2. The information collected in the central repository is
2 35 confidential unless otherwise ordered by a court, or released

House Study Bill 97 continued

3 1 by the lawful custodian of the records pursuant to state or
3 2 federal law.
3 3 3. A pharmacy, an employee of a pharmacy, or a licensed
3 4 pharmacist shall not be provided access to the stored
3 5 information in the electronic central repository, except for
3 6 the purpose of obtaining sufficient information for a
3 7 pharmacy, an employee of a pharmacy, or a licensed pharmacist
3 8 to determine whether to complete the sale of the product. In
3 9 addition, a pharmacy, an employee of a pharmacy, or a licensed
3 10 pharmacist shall be provided access to the information to
3 11 determine the sales made by the pharmacy. A pharmacy, an
3 12 employee of a pharmacy, or a licensed pharmacist shall not be
3 13 given the obligation or duty to view the stored information.
3 14 4. A pharmacy, or an employee of a pharmacy, or a licensed
3 15 pharmacist shall not be given the obligation or duty to seek
3 16 information from the central repository if the real=time
3 17 electronic logbook becomes unavailable for use.
3 18 5. If the electronic logbook is unavailable for use, a
3 19 paper record for each sale shall be maintained including the
3 20 purchaser's signature. Any paper record maintained by the
3 21 pharmacy shall be provided to the office for inclusion in the
3 22 electronic real=time central repository as soon as
3 23 practicable.
3 24 6. A pharmacy, or an employee of a pharmacy, or a licensed
3 25 pharmacist shall not be liable, if acting reasonably and in
3 26 good faith, to any person for any claim which may arise when
3 27 reporting sales of products enumerated in subsection 1 to the
3 28 central repository.
3 29 7. A person who discloses information stored in the
3 30 central repository in violation of this section commits a
3 31 simple misdemeanor.
3 32 8. Both the office and the board shall adopt rules to
3 33 administer this section.
3 34 9. The office shall report to the board on an annual
3 35 basis, beginning January 1, 2010, regarding the repository,

House Study Bill 97 continued

4 1 including the effectiveness of the repository in discovering
4 2 unlawful sales of pseudoephedrine products.
4 3 10. This section is not applicable unless sufficient
4 4 funding is received to implement and maintain this section and
4 5 the office establishes the statewide real=time central
4 6 repository.
4 7 Sec. 5. NEW SECTION. 124.212C PSEUDOEPHEDRINE ADVISORY
4 8 COUNCIL == ELECTRONIC MONITORING.
4 9 1. The office shall establish a pseudoephedrine advisory
4 10 council to provide input and advise the office regarding the
4 11 implementation and maintenance of the statewide real=time
4 12 central repository established under section 124.212B to
4 13 monitor sales of pseudoephedrine. The office shall specify
4 14 the duties, responsibilities, and other related matters of the
4 15 advisory council.
4 16 2. The council shall consist of four licensed pharmacists.
4 17 The office shall solicit recommendations for membership on the
4 18 council from the Iowa pharmacy association and Iowa retail
4 19 federation, and shall appoint members from the
4 20 recommendations. The council shall include a member from an
4 21 independent pharmacy, a member from a regional chain pharmacy,
4 22 and a member from a national chain pharmacy. The license of
4 23 any member must be current and not subject to disciplinary
4 24 sanctions.
4 25 3. The council may make recommendations regarding the
4 26 implementation and maintenance of the statewide real=time
4 27 central repository monitoring system under section 124.212B.
4 28 4. The council shall do the following:
4 29 a. Assist the office in implementing and maintaining the
4 30 statewide real=time central repository monitoring system.
4 31 b. Assist the office in developing utilization guidance
4 32 related to the statewide real=time central repository
4 33 monitoring system and disseminating such guidance.
4 34 c. Assist the office in developing guidelines to ensure
4 35 patient confidentiality and the integrity of the relationship

House Study Bill 97 continued

5 1 established by the patient and the patient's health care
5 2 provider.
5 3 5. All members of the council shall receive actual and
5 4 necessary expenses incurred in the performance of their
5 5 duties.
5 6 Sec. 6. Section 124.213, Code 2009, is amended by striking
5 7 the section and inserting in lieu thereof the following:
5 8 124.213 PSEUDOEPHEDRINE PURCHASE RESTRICTIONS FROM
5 9 PHARMACY OR RETAILER == PENALTY.
5 10 1. A person shall not purchase more than three thousand
5 11 six hundred milligrams of pseudoephedrine, either separately
5 12 or collectively, within a twenty=four=hour period from a
5 13 pharmacy, or more than one package of a product containing
5 14 pseudoephedrine within a twenty=four hour period from a
5 15 retailer in violation of section 126.23A.
5 16 2. A person shall not purchase more than seven thousand
5 17 five hundred milligrams of pseudoephedrine, either separately
5 18 or collectively, within a thirty=day period from a pharmacy or
5 19 from a retailer in violation of section 126.23A.
5 20 3. A person who violates this section commits a serious
5 21 misdemeanor.
5 22 Sec. 7. Section 126.23A, subsection 1, paragraph a,
5 23 subparagraph (1), Code 2009, is amended by striking the
5 24 subparagraph and inserting in lieu thereof the following:
5 25 (1) Sell more than seven thousand five hundred milligrams
5 26 of pseudoephedrine to the same person within a thirty=day
5 27 period.
5 28 Sec. 8. Section 126.23A, subsection 1, paragraph b, Code
5 29 2009, is amended to read as follows:
5 30 b. A retailer or an employee of a retailer shall do the
5 31 following:
5 32 (1) Provide for the sale of a pseudoephedrine product in a
5 33 locked cabinet or behind a sales counter where the public is
5 34 unable to reach the product and where the public is not
5 35 permitted.

House Study Bill 97 continued

6 1 (2) Require a purchaser to present a government=issued
6 2 photo identification card identifying the purchaser prior to
6 3 purchasing a pseudoephedrine product.
6 4 (3) Require the purchaser to sign a logbook and to also
6 5 require the purchaser to legibly print the purchaser's name
6 6 and address in the logbook.
6 7 (4) Print the name of the pseudoephedrine product
6 8 purchased and quantity sold next to the name of each purchaser
6 9 in the logbook.
6 10 ~~(4)~~ (5) Determine the signature in the logbook
6 11 corresponds with the name on the government=issued photo
6 12 identification card.
6 13 ~~(5)~~ (6) Keep the logbook ~~twelve~~ twenty=four months from
6 14 the date of the last entry.
6 15 ~~(6)~~ (7) Provide notification in a clear and conspicuous
6 16 manner in a location where a pseudoephedrine product is
6 17 offered for sale stating the following:
6 18 Iowa law prohibits the over=the=counter purchase of more
6 19 than one package of a product containing pseudoephedrine in a
6 20 twenty=four=hour period or of more than seven thousand five
6 21 hundred milligrams of pseudoephedrine within a thirty=day
6 22 period. If you purchase a product containing pseudoephedrine,
6 23 you are required to sign a logbook which may be accessible to
6 24 law enforcement officers.
6 25 (8) Provide notification affixed to the logbook stating
6 26 that a purchaser entering a false statement or
6 27 misrepresentation in the logbook may subject the purchaser to
6 28 criminal penalties under 18 U.S.C. } 1001.
6 29 (9) Disclose logbook information as provided by state and
6 30 federal law.
6 31 (10) Comply with training requirements pursuant to federal
6 32 law.
6 33 Sec. 9. CONTINGENT APPLICABILITY == GOVERNOR'S OFFICE OF
6 34 DRUG CONTROL POLICY AND CODE EDITOR RESPONSIBILITIES.
6 35 1. The governor's office of drug control policy shall

House Study Bill 97 continued

7 1 notify the Code editor when the establishment of the
7 2 repository on a statewide basis is complete.
7 3 2. When the establishment of the central repository on a
7 4 statewide basis is complete, the Code editor is directed to
7 5 remove section 124.212A, subsection 2, and section 124.212B,
7 6 subsection 10, from the Code and to internally renumber the
7 7 sections as necessary.
7 8 EXPLANATION
7 9 This bill relates to the sale of a pseudoephedrine product
7 10 by a pharmacy or retailer.
7 11 PENALTIES. The bill provides that a person shall not
7 12 purchase more than 3,600 milligrams of pseudoephedrine, either
7 13 collectively or separately, within a 24=hour period from a
7 14 pharmacy unless the person has a prescription. A person who
7 15 violates this provision of the bill commits a serious
7 16 misdemeanor. Under current law and the bill, a person commits
7 17 a serious misdemeanor if the person purchases more than 7,500
7 18 milligrams of pseudoephedrine within a 30=day period from a
7 19 pharmacy or retailer.
7 20 PHARMACY. The bill requires a purchaser of a
7 21 pseudoephedrine product from a pharmacy to sign an electronic
7 22 logbook. Current law does not require a signature in an
7 23 electronic logbook. The bill also provides that if the
7 24 electronic logbook is unavailable, the pharmacy is required to
7 25 keep an alternative record that complies with rules adopted by
7 26 both the governor's office of drug control policy and the
7 27 state board of pharmacy.
7 28 The bill requires a pharmacy, an employee of a pharmacy, or
7 29 a licensed pharmacist, to enter a purchaser's name, address,
7 30 date of purchase, time of purchase, name of pseudoephedrine
7 31 product, and quantity sold into an electronic logbook. If the
7 32 electronic logbook is unavailable for use, the bill requires
7 33 the pharmacy to keep written records of the transaction
7 34 including a signature.
7 35 The bill requires a pharmacy to keep electronic logbook

House Study Bill 97 continued

8 1 records for a period of 24 months from the date of the last
8 2 entry. Current law requires the pharmacy to keep the logbook
8 3 12 months from the date of the last entry.
8 4 The bill provides that the office of governor's drug
8 5 control policy shall implement and maintain a statewide
8 6 real=time central repository to track pseudoephedrine product
8 7 sales at pharmacies. The bill requires a pharmacy dispensing
8 8 pseudoephedrine products to report all such sales
8 9 electronically to the central repository under the control of
8 10 the office of governor's drug control policy. If the pharmacy
8 11 has written records, the records are also to be reported for
8 12 entry into the repository. If the electronic logbook is
8 13 unavailable for use, the bill requires the pharmacy to keep
8 14 written records of the transaction including a signature.
8 15 The bill makes confidential the information collected in
8 16 the central repository unless otherwise ordered by a court, or
8 17 the records are released by the custodian of the records
8 18 pursuant to state or federal law.
8 19 The bill provides that a pharmacy, an employee of a
8 20 pharmacy, or a licensed pharmacist shall not be liable to any
8 21 person for any claim which may arise when reporting in good
8 22 faith pseudoephedrine sales to the central repository.
8 23 The bill also requires a pharmacy to comply with training
8 24 requirements pursuant to federal law.
8 25 Under the bill, a pharmacy, an employee of a pharmacy, or a
8 26 licensed pharmacist shall not be provided access to the stored
8 27 information in the electronic central repository, except for
8 28 the purpose of obtaining certain information.
8 29 The governor's office of drug control policy and the board
8 30 of pharmacy shall both adopt rules to implement the bill.
8 31 A person who discloses information stored in the central
8 32 repository in violation of the bill commits a simple
8 33 misdemeanor.
8 34 RETAILER. The bill requires a retailer or an employee of a
8 35 retailer to print the name of the pseudoephedrine product

House Study Bill 97 continued

9 1 purchased and the quantity sold next to the name of each
9 2 purchaser in the logbook.
9 3 The bill requires the retailer to keep the logbook 24
9 4 months from the date of the last entry. Current law requires
9 5 the retailer to keep the logbook 12 months from the date of
9 6 the last entry. The bill does not require a retailer to keep
9 7 an electronic logbook of pseudoephedrine purchases.
9 8 The bill also requires a retailer to comply with training
9 9 requirements pursuant to federal law.
9 10 ADVISORY COMMITTEE. The bill requires the office of drug
9 11 control policy to establish a pseudoephedrine advisory
9 12 committee to provide input and advise the office regarding the
9 13 implementation and maintenance of the statewide real=time
9 14 central repository. The advisory committee shall consist of
9 15 four licensed pharmacists including a pharmacist from an
9 16 independent pharmacy, a regional chain pharmacy, and a
9 17 national chain pharmacy. The bill requires the office of drug
9 18 control policy to solicit recommendations for membership on
9 19 the council from the Iowa pharmacy association and Iowa retail
9 20 federation.
9 21 CONTINGENT APPLICABILITY. New Code sections 124.212A and
9 22 124.212B created in the bill do not become applicable until
9 23 sufficient funding is received and the central repository
9 24 under the control of the office of drug control policy is
9 25 established on a statewide basis. However, Code section
9 26 124.212A, subsection 1, paragraph "h", in the bill, which
9 27 requires a pharmacy to keep logbook records 24 months from the
9 28 date of the last entry, is applicable upon the effective date
9 29 of the bill.
9 30 LSB 1250DP 83
9 31 jm/rj/14

House Study Bill 98

HOUSE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON MASCHER)

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

A BILL FOR

An Act relating to an agreement among the states to elect the president by national popular vote and providing an effective date.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1749HC 83
sc/nh/14

House Study Bill 98 continued

PAG LIN

1 1 Section 1. Section 50.45, Code 2009, is amended to read as
1 2 follows:
1 3 50.45 CANVASS PUBLIC == RESULT DETERMINED.
1 4 1. All canvasses of tally lists shall be public, and the
1 5 persons having the greatest number of votes shall be declared
1 6 elected, except that in any year in which the appointment of
1 7 presidential electors is governed by the national popular vote
1 8 compact set forth in section 54.10, the persons that shall be
1 9 declared elected to the position of presidential elector shall
1 10 be the persons specified in the national popular vote compact.
1 11 2. When a public measure has been submitted to the
1 12 electors, the proposition shall be declared to have been
1 13 adopted if the vote cast in favor of the question is greater
1 14 than fifty percent of the total vote cast in favor and against
1 15 the question, unless laws pertaining specifically to the
1 16 public measure election establish a higher percentage of a
1 17 favorable vote. All ballots cast and not counted as a vote in
1 18 favor or against the proposition shall not be used in
1 19 computing the total vote cast in favor and against the
1 20 proposition.
1 21 Sec. 2. NEW SECTION. 54.10 AGREEMENT AMONG THE STATES TO
1 22 ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE.
1 23 The agreement among the states to elect the president by
1 24 national popular vote may be cited as the "National Popular
1 25 Vote Compact". The national popular vote compact is entered
1 26 into and enacted into law with each other state that has
1 27 enacted the compact in substantially the following form:
1 28 1. ARTICLE I == MEMBERSHIP. Any state of the United
1 29 States and the District of Columbia may become a member of
1 30 this agreement by enacting this agreement.
1 31 2. ARTICLE II == RIGHT OF THE PEOPLE IN MEMBER STATES TO
1 32 VOTE FOR PRESIDENT AND VICE PRESIDENT. Each member state
1 33 shall conduct a statewide popular election for president and
1 34 vice president of the United States.
1 35 3. ARTICLE III == MANNER OF APPOINTING PRESIDENTIAL

House Study Bill 98 continued

2 1 ELECTORS IN MEMBER STATES.
2 2 a. Prior to the time set by law for the meeting and voting
2 3 by the presidential electors, the chief election official of
2 4 each member state shall determine the number of votes for each
2 5 presidential slate in each state of the United States and in
2 6 the District of Columbia in which votes have been cast in a
2 7 statewide popular election and shall add such votes together
2 8 to produce a "national popular vote total" for each
2 9 presidential slate.
2 10 b. The chief election official of each member state shall
2 11 designate the presidential slate with the largest national
2 12 popular vote total as the "national popular vote winner".
2 13 c. The presidential elector certifying official of each
2 14 member state shall certify the appointment in that official's
2 15 own state of the elector slate nominated in that state in
2 16 association with the national popular vote winner.
2 17 d. At least six days before the day fixed by law for the
2 18 meeting and voting by the presidential electors, each member
2 19 state shall make a final determination of the number of
2 20 popular votes cast in the state for each presidential slate
2 21 and shall communicate an official statement of such
2 22 determination within twenty=four hours to the chief election
2 23 official of each other member state.
2 24 e. The chief election official of each member state shall
2 25 treat as conclusive an official statement containing the
2 26 number of popular votes in a state for each presidential slate
2 27 made by the day established by federal law for making a
2 28 state's final determination conclusive as to the counting of
2 29 electoral votes by Congress.
2 30 f. In event of a tie for the national popular vote winner,
2 31 the presidential elector certifying official of each member
2 32 state shall certify the appointment of the elector slate
2 33 nominated in association with the presidential slate receiving
2 34 the largest number of popular votes within that official's own
2 35 state.

House Study Bill 98 continued

3 1 g. If, for any reason, the number of presidential electors
3 2 nominated in a member state in association with the national
3 3 popular vote winner is less than or greater than that state's
3 4 number of electoral votes, the presidential candidate on the
3 5 presidential slate that has been designated as the national
3 6 popular vote winner shall have the power to nominate the
3 7 presidential electors for that state and that state's
3 8 presidential elector certifying official shall certify the
3 9 appointment of such nominees.
3 10 h. The chief election official of each member state shall
3 11 immediately release to the public all vote counts or
3 12 statements of votes as they are determined or obtained.
3 13 i. This article shall govern the appointment of
3 14 presidential electors in each member state in any year in
3 15 which this agreement is, on July 20, in effect in states
3 16 cumulatively possessing a majority of the electoral votes.
3 17 4. ARTICLE IV == OTHER PROVISIONS.
3 18 a. This agreement shall take effect when states
3 19 cumulatively possessing a majority of the electoral votes have
3 20 enacted this agreement in substantially the same form and the
3 21 enactments by such states have taken effect in each state.
3 22 b. Any member state may withdraw from this agreement,
3 23 except that a withdrawal occurring six months or less before
3 24 the end of a president's term shall not become effective until
3 25 a president or vice president shall have been qualified to
3 26 serve the next term.
3 27 c. The chief executive of each member state shall promptly
3 28 notify the chief executives of all other states of when this
3 29 agreement has been enacted and has taken effect in that
3 30 official's state, when the state has withdrawn from this
3 31 agreement, and when this agreement takes effect generally.
3 32 d. This agreement shall terminate if the electoral college
3 33 is abolished.
3 34 e. If any provision of this agreement is held invalid, the
3 35 remaining provisions shall not be affected.

House Study Bill 98 continued

5. ARTICLE V == DEFINITIONS. For purposes of this agreement:

a. "Chief election official" shall mean the state official or body that is authorized to certify the total number of popular votes for each presidential slate.

b. "Chief executive" shall mean the governor of a state of the United States or the mayor of the District of Columbia.

c. "Elector slate" shall mean a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate.

d. "Presidential elector" shall mean an elector for president and vice president of the United States.

e. "Presidential elector certifying official" shall mean the state official or body that is authorized to certify the appointment of the state's presidential electors.

f. "Presidential slate" shall mean a slate of two persons, the first of whom has been nominated as a candidate for president of the United States and the second of whom has been nominated as a candidate for vice president of the United States, or any legal successors to such persons, regardless of whether both names appear on the ballot presented to the voter in a particular state.

g. "State" shall mean a state of the United States and the District of Columbia.

h. "Statewide popular election" shall mean a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis.

EXPLANATION

This bill creates a compact for the state of Iowa whereby the state agrees to certify its electors for president of the United States based on the national popular vote for president, rather than on the popular vote for president within the state. The agreement is cited in the bill as the "National Popular Vote Compact". To take effect, the compact must be enacted by any number of states whose electoral votes,

House Study Bill 98 continued

5 1 in the aggregate, constitute a majority of the entire number
5 2 of electoral votes nationally. The compact provides that any
5 3 member state may withdraw from the compact. However, if a
5 4 withdrawal occurs six months or less before the end of a
5 5 president's term, the withdrawal shall not take effect until a
5 6 president has qualified to serve the next term.
5 7 LSB 1749HC 83
5 8 sc/nh/14

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

House Study Bill 99

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

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

A BILL FOR

An Act relating to the penalties for the unlawful manufacture, delivery, or possession with intent to deliver of marijuana or related substances and the solicitation of such offenses.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1044YC 83
jm/rj/14

House Study Bill 99 continued

PAG LIN

1 1 Section 1. Section 124.410, Code 2009, is amended to read
1 2 as follows:
1 3 124.410 ACCOMMODATION OFFENSE.
1 4 In a prosecution for unlawful delivery or possession with
1 5 intent to deliver marijuana, if the prosecution proves that
1 6 the defendant violated the provisions of section 124.401,
1 7 subsection 1, by proving that the defendant delivered or
1 8 possessed with intent to deliver ~~one=half~~ one ounce or less of
1 9 marijuana which was not offered for sale, the defendant is
1 10 guilty of an accommodation offense and rather than being
1 11 sentenced as if convicted for a violation of section 124.401,
1 12 subsection 1, paragraph "d", shall be sentenced as if
1 13 convicted of a violation of section 124.401, subsection 5. An
1 14 accommodation offense may be proved as an included offense
1 15 under a charge of delivering or possessing with the intent to
1 16 deliver marijuana in violation of section 124.401, subsection
1 17 1. This section does not apply to hashish, hashish oil, or
1 18 other derivatives of marijuana as defined in section 124.101,
1 19 subsection 19.
1 20 Sec. 2. Section 705.1, Code 2009, is amended to read as
1 21 follows:
1 22 705.1 SOLICITATION.
1 23 1. ~~Any~~ A person who commands, entreats, or otherwise
1 24 attempts to persuade another to commit a particular felony or
1 25 aggravated misdemeanor, with the intent that such act be done
1 26 and under circumstances which corroborates that intent by
1 27 clear and convincing evidence, solicits such other to commit
1 28 that felony or aggravated misdemeanor. ~~One~~ Except as provided
1 29 in subsection 2, a person who solicits another to commit a
1 30 felony of any class commits a class "D" felony. ~~One~~ A person
1 31 who solicits another to commit an aggravated misdemeanor
1 32 commits an aggravated misdemeanor.
1 33 2. A person who solicits another to commit a felony in
1 34 violation of section 124.401, subsection 1, paragraph "d",
1 35 involving one ounce or less of marijuana, commits a serious

House Study Bill 99 continued

2 1 misdemeanor.
2 2 EXPLANATION
2 3 This bill relates to the unlawful manufacture, delivery, or
2 4 possession with intent to deliver of marijuana or substances
2 5 or counterfeit substances related to marijuana and the
2 6 solicitation of such offenses.
2 7 The amendment to Code section 124.410 provides that a
2 8 person who violates the provisions of Code section
2 9 124.401(1)(d) involving delivery or possession with intent to
2 10 deliver of one ounce or less of marijuana which was not
2 11 offered for sale, commits a serious misdemeanor as if
2 12 convicted under Code section 124.401(5). Current law provides
2 13 that a person convicted of a violation of Code section
2 14 124.401(1)(d) involving delivery or possession with intent to
2 15 deliver of one=half ounce or less of marijuana which was not
2 16 offered for sale, commits a serious misdemeanor as if
2 17 convicted under Code section 124.401(5).
2 18 The amendment to Code section 705.1 provides that in a
2 19 prosecution for solicitation of a felony in violation of Code
2 20 section 124.401(1)(d), involving one ounce or less of
2 21 marijuana, and the prosecution proves that the defendant
2 22 solicited a violation of Code section 124.401(1)(d), the
2 23 defendant is guilty of a serious misdemeanor. Current law
2 24 provides that the defendant is guilty of a class "D" felony.
2 25 A serious misdemeanor is punishable by confinement for no
2 26 more than one year and a fine of at least $315 but not more
2 27 than $1,875. A class "D" felony is punishable by confinement
2 28 for no more than five years and a fine of at least $750 but
2 29 not more than $7,500.
2 30 LSB 1044YC 83
2 31 jm/rj/14

Senate Amendment 3001

PAG LIN

1 1 Amend Senate File 3 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <Section 1. Section 462A.14, subsection 1,
1 5 unnumbered paragraph 1, Code 2009, is amended to read
1 6 as follows:
1 7 A person commits the offense of operating a
1 8 motorboat or sailboat while intoxicated if the person
1 9 operates a motorboat or sailboat on the navigable
1 10 waters of this state under the jurisdiction of the
1 11 commission in any of the following conditions:>
1 12 #2. Title page, line 1, by striking the words
1 13 <providing for> and inserting the following:
1 14 <relating to>.
1 15 #3. By renumbering as necessary.
1 16
1 17
1 18
1 19 MERLIN BARTZ
1 20 SF 3.501 83
1 21 rh/rj/21507
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50

Senate Amendment 3002

PAG LIN

```
  1  1    Amend Senate File 44 as follows:
  1  2 #1.  Page 1, line 4, by inserting after the word
  1  3 <sales> the following:  <and services>.
  1  4 #2.  Page 1, line 6, by inserting after the word
  1  5 <sales> the following:  <and services>.
  1  6 #3.  Page 1, line 9, by inserting after the word
  1  7 <sales> the following:  <and services>.
  1  8 #4.  Page 1, line 26, by inserting after the word
  1  9 <local> the following:  <option>.
  1 10 #5.  Page 1, line 34, by inserting after the word
  1 11 <local> the following:  <option>.
  1 12 #6.  Page 2, line 5, by inserting after the word
  1 13 <local> the following:  <option>.
  1 14 #7.  Title page, line 1, by inserting after the
  1 15 word <sales> the following:  <and services>.
  1 16
  1 17
  1 18
  1 19 JOE BOLKCOM
  1 20 SF 44.503 83
  1 21 tm/sc/21508
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50
```

Senate Amendment 3003

PAG LIN

```
1  1    Amend Senate File 44 as follows:
1  2 #1.  Page 2, by inserting after line 32 the
1  3 following:
1  4    <Sec. ___.  EXPENDITURE PURPOSES.
1  5    1.  A city or unincorporated area of a county that
1  6 imposes a local option sales and services tax pursuant
1  7 to section 1 of this Act shall use revenue generated
1  8 by the local option sales and services tax for any of
1  9 the following purposes:
1 10    a.  Assistance for small business.
1 11    b.  Assistance for nonprofit organizations.
1 12    c.  Assistance for the public purchase of land and
1 13 accompanying structures if financial assistance for
1 14 the purchase is not available from the federal
1 15 emergency management agency.
1 16    d.  Assistance for the replacement or
1 17 rehabilitation of housing.
1 18    e.  Assistance for the repair or replacement of
1 19 public infrastructure.
1 20    f.  Assistance for increased costs associated with
1 21 the revaluation and reassessment of property due to a
1 22 natural disaster occurring in 2008.
1 23    2.  A city or unincorporated area of a county that
1 24 imposes a local option sales and services tax pursuant
1 25 to section 1 of this Act shall not use any revenues
1 26 generated by the local option sales and services tax
1 27 for purposes of reimbursement of administrative
1 28 costs.>
1 29 #2.  By renumbering as necessary.
1 30
1 31
1 32
1 33 STEVE KETTERING
1 34 SF 44.701 83
1 35 tm/sc/21499
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50
```

Senate Amendment 3004

PAG LIN

1 1 Amend Senate File 44 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <Section 0A. Section 445.62, Code 2009, is amended
1 5 to read as follows:
1 6 445.62 ABATEMENT OR REFUND IN CASE OF LOSS.
1 7 1. The board of supervisors has the authority to
1 8 abate or refund in whole or in part the taxes of any
1 9 person whose buildings, crops, stock, or other
1 10 property has been destroyed by fire, tornado, or other
1 11 unavoidable casualty, if that property has not been
1 12 sold for taxes, or if the taxes have not been
1 13 delinquent for thirty days at the time of the
1 14 destruction. The loss for which abatement or refund
1 15 is allowed shall be only that amount which is not
1 16 covered by insurance. The loss of capital stock in a
1 17 bank operated within the state and the making and
1 18 paying of a stock assessment for the year that stock
1 19 was assessed for taxation is a destruction within the
1 20 meaning of this section.
1 21 2. The board of supervisors shall abate or refund
1 22 the taxes of any person whose buildings, crops, or
1 23 other property has been damaged or destroyed due to a
1 24 natural disaster in 2008 and is located in an area
1 25 declared to be a disaster area by the president of the
1 26 United States in 2008, if that property has not been
1 27 sold for taxes, or if the taxes have not been
1 28 delinquent for thirty days at the time of the damage
1 29 or destruction. The amount of the abatement shall
1 30 equal the difference in the assessed value of the
1 31 property after the damage or destruction multiplied by
1 32 the property tax rate with the resulting product
1 33 multiplied by the percentage of the tax year remaining
1 34 at the time the natural disaster occurred.>
1 35 #2. Page 2, by inserting after line 32 the
1 36 following:
1 37 <Sec. ___. RETROACTIVE APPLICABILITY. The section
1 38 of this Act relating to the abatement or refund of
1 39 property taxes is retroactively applicable to May 24,
1 40 2008, and is applicable on and after that date.>
1 41 #3. Title page, line 1, by inserting after the
1 42 word <tax> the following: <and abatement of property
1 43 tax>.
1 44 #4. Title page, line 2, by striking the words <an
1 45 effective date> and inserting the following:
1 46 <effective and retroactive applicability dates>.
1 47 #5. By renumbering as necessary.
1 48
1 49
1 50

Senate Amendment 3004 continued

```
2  1 PAT WARD
2  2 SF 44.202 83
2  3 tm/sc/21501
```

Senate Amendment 3005

PAG LIN

```
     1  1    Amend Senate File 44 as follows:
     1  2 #1.  Page 1, line 18, by striking the words <a
     1  3 majority> and inserting the following:  <more than
     1  4 sixty percent>.
     1  5 #2.  Page 1, line 21, by striking the words <a
     1  6 majority> and inserting the following:  <more than
     1  7 sixty percent>.
     1  8 #3.  By renumbering as necessary.
     1  9
     1 10
     1 11
     1 12 BRAD ZAUN
     1 13 SF 44.301 83
     1 14 tm/sc/21500
   1 15
   1 16
   1 17
   1 18
   1 19
   1 20
   1 21
   1 22
   1 23
   1 24
   1 25
   1 26
   1 27
   1 28
   1 29
   1 30
   1 31
   1 32
   1 33
   1 34
   1 35
   1 36
   1 37
   1 38
   1 39
   1 40
   1 41
   1 42
   1 43
   1 44
   1 45
   1 46
   1 47
   1 48
   1 49
   1 50
```

Senate Amendment 3006

PAG LIN

```
  1  1    Amend Senate File 44 as follows:
  1  2 #1.  Page 2, by inserting after line 32 the
  1  3 following:
  1  4    <Sec. ___.  SALES AND USE TAX.  Notwithstanding
  1  5 chapter 423, subchapters II and III, for the period
  1  6 beginning April 1, 2009, and ending March 31, 2010,
  1  7 the sales, services, and use taxes shall be imposed at
  1  8 a rate of one percent.  Revenues from the one percent
  1  9 sales, services, and use taxes shall be used solely
  1 10 for purposes of providing revenues to local school
  1 11 districts pursuant to chapter 423F.  This section only
  1 12 applies to a city with a population of more than one
  1 13 hundred fifteen thousand but less than one hundred
  1 14 thirty thousand according to the most recent certified
  1 15 federal census and located in an area declared by the
  1 16 president to be a disaster area during 2008.>
  1 17 #2.  Title page, line 1, by inserting after the
  1 18 word <tax> the following:  <and temporary reduction in
  1 19 the state sales, services, and use taxes>.
  1 20 #3.  By renumbering as necessary.
  1 21
  1 22
  1 23
  1 24 BRAD ZAUN
  1 25 SF 44.502 83
  1 26 tm/sc/21502
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50
```

Senate Amendment 3007

PAG LIN

1 1 Amend Senate File 44 as follows:
1 2 #1. Page 2, by inserting after line 24 the
1 3 following:
1 4 <4A. Notwithstanding section 423B.1, subsection 3,
1 5 subsection 5, subsection 6, paragraph "a", and
1 6 subsection 9, a local option sales and services tax
1 7 imposed pursuant to this Act shall be repealed on June
1 8 30, 2010.>
1 9 #2. By renumbering as necessary.
1 10
1 11
1 12
1 13 BRAD ZAUN
1 14 SF 44.702 83
1 15 tm/sc/21503
1 16
1 17
1 18
1 19
1 20
1 21
1 22
1 23
1 24
1 25
1 26
1 27
1 28
1 29
1 30
1 31
1 32
1 33
1 34
1 35
1 36
1 37
1 38
1 39
1 40
1 41
1 42
1 43
1 44
1 45
1 46
1 47
1 48
1 49
1 50

Senate Amendment 3008

PAG LIN

1 1 Amend Senate File 44 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. A city or unincorporated area located
1 5 in a county in which the president of the United
1 6 States declared a disaster to exist at any time during
1 7 2008 may impose a local option sales tax pursuant to
1 8 chapter 423B using the procedure provided in this
1 9 section. A city or unincorporated area where a local
1 10 option sales tax is imposed pursuant to chapter 423B
1 11 on the effective date of this Act is prohibited from
1 12 using this section. The provisions of chapter 423B
1 13 shall apply to the imposition of a local option sales
1 14 tax pursuant to this section with the following
1 15 exceptions:
1 16 1. Notwithstanding section 423B.1, subsection 4,
1 17 the question of the imposition of a local sales and
1 18 services tax shall be submitted to the registered
1 19 voters of a city or to the unincorporated areas of the
1 20 county upon receipt by the county commissioner of
1 21 elections of a motion requesting such submission,
1 22 adopted by the governing body of a city located within
1 23 the county, or of the county for the unincorporated
1 24 areas of the county. Upon adoption of a motion, the
1 25 governing body of the city, or county for the
1 26 unincorporated areas, shall submit the motion to the
1 27 county commissioner of elections. A motion must be
1 28 received by the county commissioner of elections by
1 29 February 3, 2009. The county commissioner of
1 30 elections shall keep a file on all the motions
1 31 received and, by February 8, 2009, or as soon as
1 32 practicable thereafter, shall publish notice of the
1 33 ballot proposition concerning the imposition of the
1 34 local sales and services tax.
1 35 2. Notwithstanding section 423B.1, subsection 5,
1 36 and pursuant to section 39.2, subsection 4, paragraph
1 37 "a", the question of the imposition of a local sales
1 38 and services tax shall be submitted at an election
1 39 held on March 3, 2009.
1 40 3. Notwithstanding section 423B.1, subsection 5,
1 41 and section 423B.6, subsection 1, paragraph "a", the
1 42 imposition date for a local option sales tax approved
1 43 at an election held pursuant to subsection 2 shall be
1 44 April 1, 2009.
1 45 4. Notwithstanding section 423B.7, subsection 4,
1 46 for a local option sales tax imposed pursuant to this
1 47 section of this Act, the three=year period referenced
1 48 in section 423B.7, subsection 4, shall be the
1 49 three=year period beginning July 1, 2004, and ending
1 50 June 30, 2007.

Senate Amendment 3008 continued

2 1 Sec. 2. EXPENDITURE PURPOSES.
2 2 1. A city or unincorporated area of a county that
2 3 imposes a local option sales and services tax pursuant
2 4 to section 1 of this Act shall use revenue generated
2 5 by the local option sales and services tax for any of
2 6 the following purposes:
2 7 a. Assistance for small business.
2 8 b. Assistance for nonprofit organizations.
2 9 c. Assistance for the public purchase of land and
2 10 accompanying structures if financial assistance for
2 11 the purchase is not available from the federal
2 12 emergency management agency.
2 13 d. Assistance for the replacement or
2 14 rehabilitation of housing.
2 15 e. Assistance for the repair or replacement of
2 16 public infrastructure.
2 17 f. Assistance for increased costs associated with
2 18 the revaluation and reassessment of property due to a
2 19 natural disaster occurring in 2008.
2 20 2. A city or unincorporated area of a county that
2 21 imposes a local option sales and services tax pursuant
2 22 to section 1 of this Act shall not use any revenues
2 23 generated by the local option sales and services tax
2 24 for purposes of reimbursement of administrative costs.
2 25 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
2 26 immediate importance, takes effect upon enactment.>
2 27 #2. By renumbering as necessary.
2 28
2 29
2 30
2 31 RANDY FEENSTRA
2 32 SF 44.203 83
2 33 tm/sc/12041

Senate Concurrent Resolution 1 - Introduced

PAG LIN

S.C.R. _____ H.C.R. _____

1 1 SENATE CONCURRENT RESOLUTION NO.
1 2 BY MCKINLEY
1 3 A Concurrent Resolution claiming state sovereignty
1 4 under the Tenth Amendment to the Constitution of
1 5 the United States over certain mandates imposed on
1 6 states by the federal government.
1 7 WHEREAS, the Tenth Amendment to the Constitution of
1 8 the United States reads as follows:
1 9 "The powers not delegated to the United States by
1 10 the Constitution, nor prohibited by it to the States,
1 11 are reserved to the States respectively, or to the
1 12 people."; and
1 13 WHEREAS, the Tenth Amendment defines the total
1 14 scope of federal power as being that specifically
1 15 granted by the Constitution of the United States and
1 16 no more; and
1 17 WHEREAS, the United States Supreme Court has ruled
1 18 that Congress may not simply commandeer the
1 19 legislative and regulatory processes of the states;
1 20 and
1 21 WHEREAS, the scope of power defined by the Tenth
1 22 Amendment means that the federal government was
1 23 created by the states specifically to be an agent of
1 24 the states; and
1 25 WHEREAS, today, the states are demonstrably treated
1 26 as agents of the federal government; and
1 27 WHEREAS, many federal mandates on the states are
1 28 directly in violation of the Tenth Amendment to the
1 29 Constitution of the United States; NOW THEREFORE,
1 30 BE IT RESOLVED BY THE SENATE, THE HOUSE OF

Senate Concurrent Resolution 1 - Introduced continued

2 1 REPRESENTATIVES CONCURRING, That the State of Iowa
2 2 hereby claims sovereignty under the Tenth Amendment to
2 3 the Constitution of the United States over all powers
2 4 not otherwise enumerated and granted to the federal
2 5 government by the Constitution of the United States;
2 6 and
2 7 BE IT FURTHER RESOLVED, That the Iowa General
2 8 Assembly demands that the federal government, as its
2 9 agent, cease and desist, effective immediately,
2 10 enacting federal mandates on the states that are
2 11 beyond the scope of these constitutionally delegated
2 12 powers; and
2 13 BE IT FURTHER RESOLVED, That a copy of this
2 14 resolution be sent to the President of the United
2 15 States, the President of the United States Senate, the
2 16 Speaker of the United States House of Representatives,
2 17 and each member of Iowa's congressional delegation.
2 18 LSB 1150SS 83
2 19 ec/rj/5

Senate File 46

SENATE FILE
BY BOLKCOM

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

A BILL FOR

An Act relating to Iowa national pollutant discharge elimination system program signage and providing a penalty.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1612XS 83
tm/nh/8

Senate File 46 continued

PAG LIN

1 1 Section 1. NEW SECTION. 455B.189 DISCHARGE POINT SIGNS.
1 2 1. A person holding an Iowa national pollutant discharge
1 3 elimination system program permit issued by the department
1 4 shall post or erect a conspicuous and legible sign of not less
1 5 than eighteen inches by twenty=four inches at all points of
1 6 discharge to surface waters. The location of the sign on the
1 7 property of the permit holder shall be as close in proximity
1 8 to the point of discharge into the surface water as is
1 9 reasonably possible while ensuring the maximum visibility from
1 10 the surface water and shore.
1 11 2. At a minimum, the sign shall include all of the
1 12 following:
1 13 a. A statement containing the words "Iowa state permitted
1 14 discharge point permit no. (insert permit number). For
1 15 information on this discharge you can contact: (insert contact
1 16 information)".
1 17 b. The Iowa national pollutant discharge elimination
1 18 system program permit number issued by the department.
1 19 c. The name and telephone number of the permit holder
1 20 which shall be the business office repository of the permit
1 21 holder.
1 22 3. A permit holder shall provide for public review, at the
1 23 business office repository of the permit holder or at an
1 24 off=premises location of the permit holder's choice, all
1 25 discharge monitoring records prepared by the permit holder to
1 26 demonstrate compliance with the Iowa national pollutant
1 27 discharge elimination system program permit conditions. A
1 28 copy of all discharge monitoring records shall be placed on
1 29 file at such locations at the same time the records are sent
1 30 to the department. This information shall be kept on file for
1 31 the period during which the permit is effective.
1 32 4. A permit holder shall periodically and reasonably
1 33 maintain the sign to ensure that the sign is still legible,
1 34 visible, and factually correct. A good faith documented
1 35 effort by the permit holder to maintain the sign is an

Senate File 46 continued

2 1 affirmative defense in any action relating to the unauthorized
2 2 absence of a sign.
2 3 5. A person violating a provision of this section is
2 4 subject to a civil penalty of not more than one hundred
2 5 dollars per day for each day such violation continues.
2 6 Sec. 2. Section 455B.191, subsection 1, Code 2009, is
2 7 amended to read as follows:
2 8 1. Any person who violates any provision of part 1 of
2 9 division III of this chapter or any permit, rule, standard, or
2 10 order issued under part 1 of division III of this chapter
2 11 shall be subject to a civil penalty not to exceed five
2 12 thousand dollars for each day of such violation. This section
2 13 shall not apply to violations of section 455B.189.

2 14 EXPLANATION

2 15 This bill relates to Iowa national pollutant discharge
2 16 elimination system program signage.
2 17 The bill requires a person holding an Iowa national
2 18 pollutant discharge elimination system program permit issued
2 19 by the department of natural resources to post or erect a
2 20 conspicuous and legible sign at all points of discharge to
2 21 surface waters. The bill provides size, content, and location
2 22 requirements for the signage.
2 23 The bill requires a permit holder to provide for public
2 24 review, at the business office repository of the permit holder
2 25 or at an off=premises location of the permit holder's choice,
2 26 all discharge monitoring records prepared by the permit holder
2 27 to demonstrate compliance with the Iowa national pollutant
2 28 discharge elimination system program permit conditions.
2 29 The bill requires that a permit holder shall periodically
2 30 and reasonably maintain the sign to ensure that the sign is
2 31 still legible, visible, and factually correct. The bill
2 32 provides that a good faith documented effort by the permit
2 33 holder to maintain the sign is an affirmative defense in any
2 34 action relating to the unauthorized absence of a sign.
2 35 The bill provides for a civil penalty of not more than $100

Senate File 46 continued

3 1 per day for each day a violation continues. The penalty in
3 2 the bill is in place of the general penalty provisions
3 3 provided in Code section 455B.191.
3 4 LSB 1612XS 83
3 5 tm/nh/8.1

Senate File 47 - Introduced

SENATE FILE
BY DANIELSON

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

A BILL FOR

An Act concerning residency requirements for city civil service employees.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1889SS 83
ec/sc/5

Senate File 47 - Introduced continued

PAG LIN

1 1 Section 1. Section 400.17, unnumbered paragraph 3, Code
1 2 2009, is amended to read as follows:
1 3 Employees shall not be required to be a resident of the
1 4 city in which ~~they~~ the employees are employed~~, but they shall~~
~~1 5 become a resident of the state at the time such appointment or~~
~~1 6 employment begins and shall remain a resident of the state~~
~~1 7 during employment~~. ~~Cities may set reasonable maximum~~
~~1 8 distances outside of the corporate limits of the city that~~
1 9 However, for police officers, fire fighters, and other
1 10 critical municipal employees ~~may live~~, cities may set a
1 11 reasonable maximum travel time from where these employees may
1 12 live and their place of employment.
1 13 EXPLANATION
1 14 This bill strikes the requirement that city civil service
1 15 employees must reside within this state during their civil
1 16 service employment.
1 17 The bill also modifies the ability of cities to set limits
1 18 on where police officers, fire fighters, and other critical
1 19 municipal employees may live. The bill provides that cities
1 20 may set a reasonable maximum travel time from where these
1 21 employees may live and their place of employment. Current law
1 22 allows cities to restrict where these employees may live based
1 23 on reasonable maximum distances outside of the city limits.
1 24 LSB 1889SS 83
1 25 ec/sc/5

Senate File 48 - Introduced

SENATE FILE
BY HATCH

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

A BILL FOR

An Act relating to health care, health care providers, and health care coverage, providing for appropriations, providing penalties, and providing retroactive and other effective dates.

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

TLSB 1747XS 83
pf/rj/14

Senate File 48 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 IOWA HEALTH CARE COVERAGE PARTNERSHIP PROGRAM
1 3 PART 5
1 4 IOWA HEALTH CARE COVERAGE PARTNERSHIP PROGRAM
1 5 Section 1. NEW SECTION. 8A.459 DEFINITIONS.
1 6 As used in this part, unless the context otherwise
1 7 requires:
1 8 1. "Nonprofit employer" means a nonprofit corporation that
1 9 is either of the following and does not include a nonstate
1 10 public employer:
1 11 a. A corporation subject to chapter 504.
1 12 b. A corporation which qualifies under 26 U.S.C. } 1.
1 13 2. "Nonstate public employee" means any employee or
1 14 elected official of a nonstate public employer.
1 15 3. "Nonstate public employer" means a political
1 16 subdivision of this state, including a quasi=public agency but
1 17 not including a school district.
1 18 4. "Political subdivision of the state" means a political
1 19 subdivision of the state or its offices or units, including
1 20 but not limited to a county, city, or community college.
1 21 5. "Small employer" means a person, firm, corporation,
1 22 limited liability company, partnership, or association
1 23 actively engaged in business or self=employed for at least
1 24 three consecutive months who, on at least fifty percent of the
1 25 entity's working days during the preceding twelve months,
1 26 employed not more than fifty full=time equivalent eligible
1 27 employees, the majority of whom were employed within this
1 28 state. "Small employer" does not include any nonstate public
1 29 employer. In determining the number of eligible employees,
1 30 companies which are affiliated companies or which are eligible
1 31 to file a combined tax return for purposes of state taxation
1 32 are considered one employer.
1 33 6. "State health or medical group insurance plan" or
1 34 "state plan" means a health or medical group insurance plan
1 35 for employees of the state.

Senate File 48 - Introduced continued

2 1 Sec. 2. NEW SECTION. 8A.460 ELIGIBILITY.
2 2 1. Nonstate public employees and employees of a nonprofit
2 3 employer and small employer shall be considered state
2 4 employees for purposes of eligibility to obtain employee
2 5 health or medical insurance from a state health or medical
2 6 group insurance plan as provided to state employees by the
2 7 department of administrative services through the Iowa state
2 8 health care coverage partnership program.
2 9 2. A nonstate public employer, nonprofit employer, or
2 10 small employer is not eligible to participate in a state
2 11 health or medical group insurance plan through the Iowa state
2 12 health care coverage partnership program unless all employees
2 13 and officials of the nonstate public employer and all
2 14 employees of the nonprofit employer or small employer elect to
2 15 enroll in the state plan pursuant to the program.
2 16 3. If a nonstate public employer, nonprofit employer, or
2 17 small employer elects to participate in a state health or
2 18 medical group insurance plan through the Iowa state health
2 19 care coverage partnership program, the nonstate public
2 20 employer, nonprofit employer, or small employer shall pay the
2 21 costs of participation in the plan as provided in this part.
2 22 4. An employee or official of a nonstate public employer,
2 23 or an employee of a nonprofit employer or small employer shall
2 24 not be enrolled in the state plan through the Iowa state
2 25 health care coverage partnership program if such employee is
2 26 covered through the employee's employer by health insurance
2 27 plans or insurance arrangements issued to or in accordance
2 28 with a trust established pursuant to collective bargaining
2 29 subject to the federal Labor Management Relations Act.
2 30 Sec. 3. NEW SECTION. 8A.461 IOWA STATE HEALTH CARE
2 31 COVERAGE PARTNERSHIP PROGRAM == COVERAGE OFFERED.
2 32 1. The Iowa state health care coverage partnership program
2 33 is established in the department of administrative services.
2 34 Pursuant to the program, the department shall offer coverage
2 35 under the state health or medical group insurance plan to

Senate File 48 - Introduced continued

3 1 nonstate public employees, and employees of nonprofit
3 2 employers and small employers, and shall pool such employees
3 3 with the state plan, provided the department received an
3 4 application from an employer of such employees and the
3 5 application is approved in accordance with the provisions of
3 6 this part 5. Employees and officials of such employers shall
3 7 be covered under the state plan pursuant to the Iowa state
3 8 health care coverage partnership program under the same
3 9 conditions that state employees are covered under the state
3 10 plan and shall not be denied coverage on the basis of risk,
3 11 cost, preexisting conditions, or other factors not applicable
3 12 to state employees.
3 13 a. Premium payments for such coverage shall be remitted by
3 14 the employer to the department and shall be the same as those
3 15 paid by the state inclusive of any premiums paid by state
3 16 employees, except as otherwise provided in this part 5.
3 17 b. The department shall offer participation in the state
3 18 plan pursuant to the Iowa state health care coverage
3 19 partnership program for no shorter than three=year intervals,
3 20 and at the end of any such interval, an employer may apply for
3 21 coverage for an additional interval.
3 22 c. The department, by rule, shall develop procedures by
3 23 which employers obtaining coverage for their employees
3 24 pursuant to the Iowa state health care coverage partnership
3 25 program may withdraw from such coverage. Any such procedures
3 26 shall provide that nonstate public employees covered by
3 27 collective bargaining shall withdraw from such coverage in
3 28 accordance with the provisions of their collective bargaining
3 29 agreements and applicable statutes.
3 30 2. The department is not required to offer coverage to
3 31 every employer seeking coverage pursuant to the Iowa health
3 32 care coverage partnership program from every vendor providing
3 33 coverage under the state plan.
3 34 3. The department, in collaboration with the Iowa choice
3 35 insurance exchange, may procure coverage to be offered

Senate File 48 - Introduced continued

4 1 pursuant to the Iowa health care coverage partnership program
4 2 to nonstate public employees and employees of nonprofit
4 3 employers and small employers from vendors other than those
4 4 providing coverage to state employees and may offer insurance
4 5 plans different from those available to state employees.
4 6 4. The department shall collaborate with the Iowa choice
4 7 insurance exchange to develop and procure coverage to be
4 8 offered pursuant to the Iowa health care coverage partnership
4 9 program that meets minimum standards of quality and
4 10 affordability.
4 11 5. The department, in collaboration with the Iowa choice
4 12 insurance exchange, shall implement and administer the Iowa
4 13 health care coverage partnership program including but not
4 14 limited to creating applications and application procedures,
4 15 enrollment periods and procedures, and procedures for
4 16 withdrawal from the program.
4 17 6. Notwithstanding any other provision of state or federal
4 18 law, the state plan or the Iowa health care coverage
4 19 partnership program shall not be deemed an unauthorized
4 20 insurer or a multiple employer welfare arrangement. Any
4 21 licensed insurer in this state is eligible to conduct business
4 22 with the state plan and the Iowa health care coverage
4 23 partnership program.
4 24 Sec. 4. NEW SECTION. 8A.462 NONSTATE PUBLIC EMPLOYEES ==
4 25 COVERAGE.
4 26 1. Nonstate public employees and officials may obtain
4 27 coverage under the state plan pursuant to the Iowa health care
4 28 coverage partnership program in accordance with this section.
4 29 2. A nonstate public employer may submit an application to
4 30 the department for coverage under the state plan of all of
4 31 such employer's employees and officials. If a nonstate public
4 32 employer submits such an application for coverage, the
4 33 department shall provide such coverage no later than the first
4 34 day of the third calendar month following such application.
4 35 3. Notwithstanding any other provisions of state law,

Senate File 48 - Introduced continued

5 1 initial participation in the state plan shall be a permissive
5 2 subject of collective bargaining and shall be subject to
5 3 binding interest arbitration only if the collective bargaining
5 4 agent and the nonstate public employer mutually agree to
5 5 bargain over such initial participation. Such mutual
5 6 agreement shall be in writing and signed by the authorized
5 7 representatives of the collective bargaining agent and the
5 8 nonstate public employer. Continuation in the state plan,
5 9 after initial participation, shall be a mandatory subject of
5 10 bargaining, and shall be subject to binding interest
5 11 arbitration in accordance with the same procedures and
5 12 standards that apply to any other mandatory subject of
5 13 bargaining pursuant to state law.
5 14 4. Premium rates for nonstate public employers shall be
5 15 the total premium rate paid by the state inclusive of any
5 16 premiums paid by state employees for the particular state
5 17 health care product offered by the state plan.
5 18 Sec. 5. NEW SECTION. 8A.463 EMPLOYEES OF SMALL EMPLOYERS
5 19 == COVERAGE.
5 20 1. Employees of small employers may obtain coverage under
5 21 the state plan pursuant to the Iowa health care coverage
5 22 partnership program in accordance with this section.
5 23 2. A small employer may submit an application to the
5 24 department for coverage under the state plan of all of such
5 25 employer's employees. If a small employer submits such an
5 26 application for coverage, the department shall provide such
5 27 coverage no later than the first day of the third calendar
5 28 month following such application. However, the department
5 29 shall not approve an application for coverage under the state
5 30 plan if the department determines that approval of such
5 31 coverage would cause the state plan to be subject to the
5 32 requirements of the federal Employee Retirement Income
5 33 Security Act of 1974, as codified at 29 U.S.C. } 1001 et seq.
5 34 If the department determines that the state plan is compliant
5 35 with such federal requirements, the department shall resume

Senate File 48 - Introduced continued

6 1 approval of applications for coverage under the state plan as
6 2 provided in this section.
6 3 3. Premium rates for small employers shall be the total
6 4 premium rate paid by the state inclusive of any premiums paid
6 5 by state employees for the particular state health care
6 6 product offered by the state plan, except that an insurance
6 7 carrier offering coverage under the state plan pursuant to the
6 8 Iowa health care coverage partnership program to small
6 9 employers may adjust the premium rate to reflect one or more
6 10 of the characteristics identified in section 513B.4.
6 11 Sec. 6. NEW SECTION. 8A.464 EMPLOYEES OF NONPROFIT
6 12 EMPLOYERS == COVERAGE.
6 13 1. Employees of nonprofit employers which are not small
6 14 employers may obtain coverage under the state plan pursuant to
6 15 the Iowa health care coverage partnership program in
6 16 accordance with this section.
6 17 2. A nonprofit employer may submit an application to the
6 18 department for coverage under the state plan of all of such
6 19 employer's employees. If a nonprofit employer submits such an
6 20 application for coverage, the department shall provide such
6 21 coverage no later than the first day of the third calendar
6 22 month following such application. However, the department
6 23 shall not approve an application for coverage under the state
6 24 plan if the department determines that approval of such
6 25 coverage would cause the state plan to be subject to the
6 26 requirements of the federal Employee Retirement Income
6 27 Security Act of 1974, as codified at 29 U.S.C. } 1001 et seq.
6 28 If the department determines that the state plan is compliant
6 29 with such federal requirements, the department shall resume
6 30 approval of applications for coverage under the state plan as
6 31 provided in this section.
6 32 3. Premium rates for nonprofit employers shall be the
6 33 total premium rate paid by the state inclusive of any premiums
6 34 paid by state employees for the particular state health care
6 35 product offered by the state plan.

Senate File 48 - Introduced continued

7 1 Sec. 7. NEW SECTION. 8A.465 RETIREES == COVERAGE.
7 2 1. Employers eligible to obtain coverage for their
7 3 employees under the state plan pursuant to the Iowa health
7 4 care coverage partnership program may obtain such coverage for
7 5 all of their retirees as provided in this part. Premium
7 6 payments for such coverage shall be remitted by the employer
7 7 to the department and shall be the same as those paid by the
7 8 employer for employees who are not retired.
7 9 2. Nothing in this part 5 shall diminish any right to
7 10 retiree health insurance pursuant to a collective bargaining
7 11 agreement or pursuant to any other provision of state or
7 12 federal law.
7 13 Sec. 8. NEW SECTION. 8A.466 PREMIUM PAYMENTS ==
7 14 ADMINISTRATIVE FEES.
7 15 1. Each employer participating in the state plan pursuant
7 16 to the Iowa health care coverage partnership program shall pay
7 17 the monthly amount determined by the department, for coverage
7 18 of its employees and officials, or its employees and retirees,
7 19 as appropriate under the state plan. An employer may require
7 20 each covered employee or official to contribute a portion of
7 21 the cost of such coverage under the state plan, subject to any
7 22 collective bargaining obligation applicable to such employer.
7 23 If any payment due by an employer under this section is not
7 24 paid after the due date, interest shall be added to such
7 25 payment at the prevailing rate of interest, as determined by
7 26 the department. Such interest shall be paid by the employer.
7 27 2. The department shall charge each employer participating
7 28 in the state plan pursuant to the Iowa state health care
7 29 coverage partnership program, an administrative fee calculated
7 30 on a per=month basis per covered employee or official.
7 31 3. Payments made pursuant to this section shall be
7 32 deposited in the health insurance administration fund created
7 33 in section 8A.454. Moneys deposited in the health insurance
7 34 administration fund pursuant to this section shall be
7 35 separately accounted for and shall be expended for payment of

Senate File 48 - Introduced continued

8 1 insurance premiums for employees and officials covered under
8 2 the Iowa health care coverage partnership program.
8 3 4. If a nonstate public employer fails to make premium
8 4 payments as required under this section, the department may
8 5 direct the treasurer of state, or any other office of the
8 6 state that is the custodian of any moneys made available by
8 7 reason of any grant, allocation, or appropriation by the state
8 8 or state agencies payable to a nonstate public employer at any
8 9 time subsequent to the failure of such nonstate public
8 10 employer, to pay such premiums and interest that are due and
8 11 unpaid and to withhold payment of moneys payable to the
8 12 nonstate public employer until the amount of the premiums and
8 13 interest then due and unpaid by the nonstate public employer
8 14 has been paid to the state or until the treasurer determines
8 15 that arrangements, satisfactory to the treasurer, have been
8 16 made for the payment of such premiums and interest. However,
8 17 such moneys shall not be withheld from a nonstate public
8 18 employer if such withholding will adversely affect the receipt
8 19 of any federal grant or aid in connection with such moneys.
8 20 If a small employer or nonprofit employer fails to make
8 21 premium payments, the department may terminate that employer's
8 22 employee participation in the state plan pursuant to the Iowa
8 23 health care coverage partnership program and request the
8 24 attorney general to recover any premium and interest costs due
8 25 and unpaid.
8 26 Sec. 9. EFFECTIVE DATE. This division is effective on and
8 27 after January 1, 2010.
8 28 DIVISION II
8 29 IOWA CHOICE INSURANCE EXCHANGE
8 30 Sec. 10. NEW SECTION. 514M.1 SHORT TITLE.
8 31 This chapter shall be known and may be cited as the "Iowa
8 32 Choice Insurance Exchange Act".
8 33 Sec. 11. NEW SECTION. 514M.2 PURPOSE.
8 34 It is the purpose of this chapter to:
8 35 1. Ensure that all children in the state have affordable,

Senate File 48 - Introduced continued

9 1 quality health care coverage with the following priorities:
9 2 a. Provide funding to cover all children who are eligible
9 3 for Medicaid, Medicaid expansion, and hawk=i by December 31,
9 4 2009.
9 5 b. As funding becomes available, provide subsidized
9 6 coverage which meets certain standards of quality and
9 7 affordability to the remaining uninsured children less than
9 8 nineteen years of age under a sliding scale based on family
9 9 income.
9 10 c. Require all parents of children less than nineteen
9 11 years of age to indicate on their Iowa tax returns whether
9 12 their children have health care coverage.
9 13 d. Require that all parents of children less than nineteen
9 14 years of age with a family income that is less than three
9 15 hundred percent of the federal poverty level must provide
9 16 proof of qualified health care coverage for their children
9 17 which meets certain standards of quality and affordability.
9 18 e. Move towards a future requirement that all parents of
9 19 children must provide proof of qualified health care coverage
9 20 for their children which meets certain standards of quality
9 21 and affordability.
9 22 2. Ensure that all Iowans have qualified health care
9 23 coverage which meets certain standards of quality and
9 24 affordability with the following priorities:
9 25 a. Continue to expand options for individuals who are
9 26 dually eligible for Medicare and Medicaid, typically the
9 27 chronically disabled, by utilizing evidence=based medical
9 28 treatments.
9 29 b. Ensure that all health and long=term care workers have
9 30 qualified health care coverage which meets certain standards
9 31 of quality and affordability.
9 32 c. Maximize eligibility of low=income adults nineteen
9 33 years of age and older for public health care coverage.
9 34 d. As funding becomes available, provide subsidized
9 35 coverage which meets certain standards of quality and

Senate File 48 - Introduced continued

10 1 affordability to the remaining low=income adults.
10 2 e. Move towards a future requirement that all Iowans must
10 3 provide proof of qualified health care coverage which meets
10 4 certain standards of quality and affordability.
10 5 3. Decrease health care costs and health care coverage
10 6 costs by:
10 7 a. Instituting insurance reforms that assure the
10 8 availability of private insurance coverage for all Iowans by
10 9 addressing issues involving guaranteed availability and issue
10 10 of insurance to applicants; preexisting condition exclusions;
10 11 portability; and allowable or required pooling and rating
10 12 classifications.
10 13 b. Requiring every child who has public health care
10 14 coverage or is insured by a plan created by the Iowa health
10 15 care coverage exchange to have a medical home.
10 16 c. Establishing a statewide telehealth system.
10 17 d. Implementing cost containment strategies such as
10 18 disease management programs, advance medical directives or end
10 19 of life planning initiatives, transparency in health care cost
10 20 and quality information, and an expanded certificate of need
10 21 process.
10 22 Sec. 12. NEW SECTION. 514M.3 DEFINITIONS.
10 23 As used in this chapter, unless the context otherwise
10 24 requires:
10 25 1. "Board" means the board of directors of the Iowa choice
10 26 insurance exchange.
10 27 2. "Carrier" means an insurer providing accident and
10 28 sickness insurance under chapter 509, 514, or 514A and
10 29 includes a health maintenance organization established under
10 30 chapter 514B if payments received by the health maintenance
10 31 organization are considered premiums pursuant to section
10 32 514B.31 and are taxed under chapter 432. "Carrier" also
10 33 includes a corporation which becomes a mutual insurer pursuant
10 34 to section 514.23 and any other person as defined in section
10 35 4.1, subsection 20, who is or may become liable for the tax

Senate File 48 - Introduced continued

11 1 imposed by chapter 432.
11 2 3. "Commissioner" means the commissioner of insurance.
11 3 4. "Creditable coverage" means health benefits or coverage
11 4 provided to an individual under any of the following:
11 5 a. A group health plan.
11 6 b. Health insurance coverage.
11 7 c. Part A or part B Medicare pursuant to Title XVIII of
11 8 the federal Social Security Act.
11 9 d. Medicaid pursuant to Title XIX of the federal Social
11 10 Security Act, other than coverage consisting solely of
11 11 benefits under section 1928 of that Act.
11 12 e. 10 U.S.C. ch. 55.
11 13 f. A health or medical care program provided through the
11 14 Indian health service or a tribal organization.
11 15 g. A state health benefits risk pool.
11 16 h. A health plan offered under 5 U.S.C. ch. 89.
11 17 i. A public health plan as defined under federal
11 18 regulations.
11 19 j. A health benefit plan under section 5(e) of the federal
11 20 Peace Corps Act, 22 U.S.C. } 2504(e).
11 21 k. An organized delivery system licensed by the director
11 22 of public health.
11 23 l. The hawk=i program authorized by chapter 514I.
11 24 5. "Director" means the director of revenue.
11 25 6. "Exchange" means the Iowa choice insurance exchange.
11 26 7. "Executive director" means the executive director of
11 27 the Iowa choice insurance exchange.
11 28 8. "Federal poverty level" means the most recently revised
11 29 income guidelines published by the United States department of
11 30 health and human services.
11 31 9. a. "Group health plan" means an employee welfare
11 32 benefit plan as defined in section 3(1) of the federal
11 33 Employee Retirement Income Security Act of 1974, to the extent
11 34 that the plan provides medical care including items and
11 35 services paid for as medical care to employees or their

Senate File 48 - Introduced continued

12 1 dependents as defined under the terms of the plan directly or
12 2 through insurance, reimbursement, or otherwise.
12 3 b. For purposes of this subsection, "medical care" means
12 4 amounts paid for any of the following:
12 5 (1) The diagnosis, cure, mitigation, treatment, or
12 6 prevention of disease, or amounts paid for the purpose of
12 7 affecting a structure or function of the body.
12 8 (2) Transportation primarily for and essential to medical
12 9 care referred to in subparagraph (1).
12 10 (3) Insurance covering medical care referred to in
12 11 subparagraph (1) or (2).
12 12 c. For purposes of this subsection, the following apply:
12 13 (1) A plan, fund, or program established or maintained by
12 14 a partnership which, but for this subsection, would not be an
12 15 employee welfare benefit plan, shall be treated as an employee
12 16 welfare benefit plan which is a group health plan to the
12 17 extent that the plan, fund, or program provides medical care,
12 18 including items and services paid for as medical care for
12 19 present or former partners in the partnership or to the
12 20 dependents of such partners, as defined under the terms of the
12 21 plan, fund, or program, either directly or through insurance,
12 22 reimbursement, or otherwise.
12 23 (2) With respect to a group health plan, the term
12 24 "employer" includes a partnership with respect to a partner.
12 25 (3) With respect to a group health plan, the term
12 26 "participant" includes the following:
12 27 (a) With respect to a group health plan maintained by a
12 28 partnership, an individual who is a partner in the
12 29 partnership.
12 30 (b) With respect to a group health plan maintained by a
12 31 self=employed individual under which one or more of the
12 32 self=employed individual's employees are participants, the
12 33 self=employed individual, if that individual is, or may
12 34 become, eligible to receive benefits under the plan or the
12 35 individual's dependents may be eligible to receive benefits

Senate File 48 - Introduced continued

13 1 under the plan.
13 2 10. "Health care services" means services, the coverage of
13 3 which is authorized under chapter 509, 514, 514A, or 514B as
13 4 limited by benefit plans established by the exchange's board
13 5 of directors, with the approval of the commissioner and
13 6 includes services for the purposes of preventing, alleviating,
13 7 curing, or healing human illness, injury, or physical
13 8 disability.
13 9 11. "Health insurance" means accident and sickness
13 10 insurance authorized by chapter 509, 514, or 514A.
13 11 12. a. "Health insurance coverage" means health insurance
13 12 coverage offered to individuals, including group conversion
13 13 coverage.
13 14 b. "Health insurance coverage" does not include any of the
13 15 following:
13 16 (1) Coverage for accident=only or disability income
13 17 insurance.
13 18 (2) Coverage issued as a supplement to liability
13 19 insurance.
13 20 (3) Liability insurance, including general liability
13 21 insurance and automobile liability insurance.
13 22 (4) Workers' compensation or similar insurance.
13 23 (5) Automobile medical=payment insurance.
13 24 (6) Credit=only insurance.
13 25 (7) Coverage for on=site medical clinic care.
13 26 (8) Other similar insurance coverage, specified in federal
13 27 regulations, under which benefits for medical care are
13 28 secondary or incidental to other insurance coverage or
13 29 benefits.
13 30 c. "Health insurance coverage" does not include benefits
13 31 provided under a separate policy as follows:
13 32 (1) Limited=scope dental or vision benefits.
13 33 (2) Benefits for long=term care, nursing home care, home
13 34 health care, or community=based care.
13 35 (3) Any other similar limited benefits as provided by rule

Senate File 48 - Introduced continued

14 1 of the commissioner.
14 2 d. "Health insurance coverage" does not include benefits
14 3 offered as independent noncoordinated benefits as follows:
14 4 (1) Coverage only for a specified disease or illness.
14 5 (2) A hospital indemnity or other fixed indemnity
14 6 insurance.
14 7 e. "Health insurance coverage" does not include Medicare
14 8 supplemental health insurance as defined under section
14 9 1882(g)(1) of the federal Social Security Act, coverage
14 10 supplemental to the coverage provided under 10 U.S.C. ch. 55
14 11 and similar supplemental coverage provided to coverage under
14 12 group health insurance coverage.
14 13 13. "Insured" means an individual who is provided
14 14 qualified health care coverage under a policy, which policy
14 15 may include dependents and other covered persons.
14 16 14. "Medical assistance program" means the federal=state
14 17 assistance program established under Title XIX of the federal
14 18 Social Security Act and chapter 249A.
14 19 15. "Medicare" means the federal government health
14 20 insurance program established under Title XVIII of the federal
14 21 Social Security Act.
14 22 16. "Organized delivery system" means an organized
14 23 delivery system as licensed by the director of public health.
14 24 17. "Policy" means a contract, policy, or plan of health
14 25 insurance.
14 26 18. "Policy year" means a consecutive twelve=month period
14 27 during which a policy provides or obligates the carrier to
14 28 provide health insurance.
14 29 19. "Qualified health care coverage" means creditable
14 30 coverage which meets minimum standards of quality and
14 31 affordability as determined by the board by rule.
14 32 20. "Resident" means a person who is a resident of this
14 33 state for state income tax purposes.
14 34 21. "Secretary" means the secretary of the board of the
14 35 exchange.

Senate File 48 - Introduced continued

15 1 Sec. 13. NEW SECTION. 514M.4 IOWA CHOICE INSURANCE
15 2 EXCHANGE CREATED == BOARD OF DIRECTORS.
15 3 1. The Iowa choice insurance exchange is created as a
15 4 nonprofit corporation.
15 5 a. All carriers and all organized delivery systems
15 6 licensed by the director of public health providing health
15 7 insurance or health care services in Iowa, whether on an
15 8 individual or group basis, and all other insurers designated
15 9 by the exchange's board of directors and approved by the
15 10 commissioner shall be members of the exchange.
15 11 b. The exchange shall operate under a plan of operation
15 12 established and approved under section 514M.5 and shall
15 13 exercise its powers through a board of directors established
15 14 under this section.
15 15 2. The board of directors of the exchange shall consist of
15 16 the following members:
15 17 a. Persons who are voting members of the board appointed
15 18 by the governor and subject to confirmation by the senate:
15 19 (1) A practicing physician licensed to practice medicine
15 20 and surgery or osteopathic medicine and surgery.
15 21 (2) A practicing nurse licensed as a registered nurse or a
15 22 licensed practical nurse or vocational nurse.
15 23 (3) A representative of the federation of Iowa insurers.
15 24 (4) A health economist who resides in Iowa.
15 25 (5) A health benefit manager.
15 26 (6) A consumer who is a representative of a children's
15 27 advocacy organization.
15 28 (7) A consumer who is a representative of the state's
15 29 adult uninsured population.
15 30 (8) A consumer who is a member of a racial or ethnic
15 31 minority group.
15 32 (9) A representative of organized labor.
15 33 (10) A representative of an organization of small
15 34 businesses.
15 35 b. Persons who are ex officio, nonvoting members of the

Senate File 48 - Introduced continued

16 1 board:
16 2 (1) The commissioner of insurance, or a designee.
16 3 (2) The director of human services, or a designee.
16 4 (3) The director of public health, or a designee.
16 5 (4) Four members of the general assembly, one appointed by
16 6 the speaker of the house of representatives, one appointed by
16 7 the minority leader of the house of representatives, one
16 8 appointed by the majority leader of the senate, and one
16 9 appointed by the minority leader of the senate.
16 10 (5) The secretary of the board.
16 11 c. Each member of the board appointed by the governor
16 12 shall be a resident of this state and the composition of
16 13 voting members of the board shall be in compliance with
16 14 sections 69.16, 69.16A, and 69.16C.
16 15 d. The voting members of the board shall be appointed for
16 16 terms of six years beginning and ending as provided in section
16 17 69.19. A member of the board is eligible for reappointment.
16 18 The governor shall fill a vacancy for the remainder of the
16 19 unexpired term. A member of the board may be removed by the
16 20 governor for misfeasance, malfeasance, or willful neglect of
16 21 duty or other cause after notice and a public hearing unless
16 22 the notice and hearing are waived by the member in writing.
16 23 e. The voting members of the board shall annually elect
16 24 one of the members as chairperson and one as vice chairperson.
16 25 f. A majority of the voting members of the board
16 26 constitutes a quorum. The affirmative vote of a majority of
16 27 the voting members is necessary for any action taken by the
16 28 board. The majority shall not include a member who has a
16 29 conflict of interest and a statement by a member of a conflict
16 30 of interest is conclusive for this purpose. A vacancy in the
16 31 voting membership of the board does not impair the right of a
16 32 quorum to exercise the rights and perform the duties of the
16 33 board. An action taken by the board under this chapter may be
16 34 authorized by resolution at a regular or special meeting and
16 35 each resolution shall take effect immediately and need not be

Senate File 48 - Introduced continued

17 1 published or posted. Meetings of the board shall be held at
17 2 the call of the chairperson or at the request of a majority of
17 3 the voting members.
17 4 g. Members of the board may be reimbursed from the moneys
17 5 of the exchange for expenses incurred by them as members, but
17 6 shall not be otherwise compensated by the exchange for their
17 7 services.
17 8 h. The voting members of the board shall give bond as
17 9 required for public officers in chapter 64.
17 10 i. The members of the board are subject to and are
17 11 officials within the meaning of chapter 68B.
17 12 j. All employees of the exchange are exempt from chapter
17 13 8A, subchapter IV, and chapter 97B.
17 14 3. The voting members of the board shall appoint an
17 15 executive director, subject to confirmation by the senate, to
17 16 supervise the administrative affairs and general management
17 17 and operations of the exchange. The board may appoint an
17 18 assistant executive director, and other officers as the voting
17 19 members of the board deem necessary. The officers shall not
17 20 be members of the board, shall serve at the pleasure of the
17 21 board, and shall receive compensation as fixed by the board.
17 22 4. The governor shall appoint a secretary of the board,
17 23 subject to confirmation by the senate. The secretary of the
17 24 board shall keep a record of the proceedings of the board and
17 25 shall be custodian of all books, documents, and papers filed
17 26 with the board, the minute book or journal of the board, and
17 27 the official seal of the board. The secretary may cause
17 28 copies to be made of minutes and other records and documents
17 29 of the board and may give certificates under the official seal
17 30 of the board that the copies are true copies, and persons
17 31 dealing with the board may rely upon the certificates.
17 32 Sec. 14. NEW SECTION. 514M.5 PLAN OF OPERATION ==
17 33 ASSESSMENTS.
17 34 1. The exchange shall submit to the commissioner a plan of
17 35 operation for the exchange and any amendments necessary or

Senate File 48 - Introduced continued

18 1 suitable to assure the fair, reasonable, and equitable
18 2 administration of the exchange. The plan of operation shall
18 3 include provisions for the development of a comprehensive
18 4 health care coverage plan as provided in section 514M.6. The
18 5 plan of operation becomes effective upon approval in writing
18 6 by the commissioner prior to the date on which the coverage
18 7 under this chapter must be made available. After notice and
18 8 hearing, the commissioner shall approve the plan of operation
18 9 if the plan is determined to be suitable to assure the fair,
18 10 reasonable, and equitable administration of the exchange, and
18 11 provides for the sharing of exchange losses, if any, on an
18 12 equitable and proportionate basis among the member carriers.
18 13 If the exchange fails to submit a suitable plan of operation
18 14 within one hundred eighty days after the appointment of the
18 15 board of directors, or if at any later time the exchange fails
18 16 to submit suitable amendments to the plan, the commissioner
18 17 shall adopt, pursuant to chapter 17A, rules necessary to
18 18 administer this section. The rules shall continue in force
18 19 until modified by the commissioner or superseded by a plan
18 20 submitted by the exchange and approved by the commissioner.
18 21 In addition to other requirements, the plan of operation shall
18 22 provide for all of the following:
18 23 a. The handling and accounting of assets and moneys of the
18 24 exchange.
18 25 b. The amount and method of reimbursing members of the
18 26 board.
18 27 c. Regular times and places for meetings of the board.
18 28 d. Records to be kept of all financial transactions, and
18 29 the annual fiscal reporting to the commissioner.
18 30 e. The periodic advertising of the general availability of
18 31 health insurance coverage from the exchange.
18 32 f. Additional provisions necessary or proper for the
18 33 execution of the powers and duties of the exchange.
18 34 2. The plan of operation may provide that the powers and
18 35 duties of the exchange may be delegated to a person who will

Senate File 48 - Introduced continued

19 1 perform functions similar to those of the exchange. A
19 2 delegation under this section takes effect only upon the
19 3 approval of both the board and the commissioner. The
19 4 commissioner shall not approve a delegation unless the
19 5 protections afforded to the insureds are substantially
19 6 equivalent to or greater than those provided under this
19 7 chapter.
19 8 3. The exchange has the general powers and authority
19 9 enumerated by this section and executed in accordance with the
19 10 plan of operation approved by the commissioner under
19 11 subsection 1. The exchange has the general powers and
19 12 authority granted under the laws of this state to carriers
19 13 licensed to issue health insurance coverage. In addition, the
19 14 exchange may do any of the following:
19 15 a. Enter into contracts as necessary or proper to carry
19 16 out this chapter.
19 17 b. Sue or be sued, including taking any legal action
19 18 necessary or proper for recovery of any assessments for, on
19 19 behalf of, or against participating carriers.
19 20 c. Take legal action necessary to avoid the payment of
19 21 improper claims against the exchange or the coverage provided
19 22 by or through the exchange.
19 23 d. Establish or utilize a medical review committee to
19 24 determine the reasonably appropriate level and extent of
19 25 health care services in each instance.
19 26 e. Establish appropriate rates, scales of rates, rate
19 27 classifications, and rating adjustments, which rates shall not
19 28 be unreasonable in relation to the health care coverage
19 29 provided and the reasonable operations expenses of the
19 30 exchange.
19 31 f. Pool risks among members.
19 32 g. Issue exchange policies on an indemnity or provision of
19 33 service basis providing the health care coverage required by
19 34 this chapter.
19 35 h. Administer separate pools, separate accounts, or other

Senate File 48 - Introduced continued

20 1 plans or arrangements considered appropriate for separate
20 2 members or groups of members.
20 3 i. Operate and administer any combination of plans, pools,
20 4 or other mechanisms considered appropriate to best accomplish
20 5 the fair and equitable operation of the exchange.
20 6 j. Appoint from among members appropriate legal,
20 7 actuarial, and other committees as necessary to provide
20 8 technical assistance in the operation of the exchange, policy
20 9 and other contract design, and any other functions within the
20 10 authority of the exchange.
20 11 k. Hire independent consultants as necessary.
20 12 l. Develop a method of advising applicants of the
20 13 availability of other health care coverages outside the
20 14 exchange.
20 15 m. Include in its policies a provision providing for
20 16 subrogation rights by the exchange in a case in which the
20 17 exchange pays expenses on behalf of an individual who is
20 18 injured or suffers a disease under circumstances creating a
20 19 liability upon another person to pay damages to the extent of
20 20 the expenses paid by the exchange but only to the extent the
20 21 damages exceed the policy deductible and coinsurance amounts
20 22 paid by the insured. The exchange may waive its subrogation
20 23 rights if it determines that the exercise of the rights would
20 24 be impractical, uneconomical, or would work a hardship on the
20 25 insured.
20 26 n. Establish lines of credit, and establish one or more
20 27 cash and investment accounts to receive payments for services
20 28 rendered, appropriations from the state, and all other
20 29 business activity granted by this chapter except to the extent
20 30 otherwise limited by any applicable provision of the federal
20 31 Employee Retirement Income Security Act of 1974.
20 32 o. Design and approve the use of its trademarks, brand
20 33 names, seals, logos, and similar instruments by participating
20 34 carriers, employers, or organizations.
20 35 p. Enter into agreements with the department of revenue,

Senate File 48 - Introduced continued

21 1 the department of human services, the division of insurance,
21 2 and any other state agencies the exchange deems necessary to
21 3 administer its duties under this chapter.
21 4 q. Seek and receive any grant funding from the federal
21 5 government, departments or agencies of the state, and private
21 6 foundations.
21 7 4. Policy rates for health insurance coverage issued by
21 8 the exchange shall reflect rating characteristics used in the
21 9 individual insurance market. The rates for a given
21 10 classification shall not be more than one hundred fifty
21 11 percent of the average premium or payment rate for the
21 12 classification charged by the five carriers with the largest
21 13 health insurance premium or payment volume in the state during
21 14 the preceding calendar year. In determining the average rate
21 15 of the five largest carriers, the rates or payments charged by
21 16 the carriers shall be actuarially adjusted to determine the
21 17 rate or payment that would have been charged for benefits
21 18 similar to those issued by the exchange.
21 19 5. Following the close of each calendar year, the exchange
21 20 shall determine the net premiums and payments, the expenses of
21 21 administration, and the incurred losses of the exchange for
21 22 the year. The exchange shall certify the amount of any net
21 23 loss for the preceding calendar year to the commissioner and
21 24 director of revenue. Any loss shall be assessed by the
21 25 exchange to all members of the exchange in proportion to their
21 26 respective shares of total health insurance premiums or
21 27 payments for subscriber contracts received in Iowa during the
21 28 second preceding calendar year, or with paid losses in the
21 29 year, coinciding with or ending during the calendar year or on
21 30 any other equitable basis as provided in the plan of
21 31 operation. In sharing losses, the exchange may abate or defer
21 32 in any part the assessment of a member, if, in the opinion of
21 33 the board, payment of the assessment would endanger the
21 34 ability of the member to fulfill its contractual obligations.
21 35 The exchange may also provide for an initial or interim

Senate File 48 - Introduced continued

22 1 assessment against members of the exchange if necessary to
22 2 assure the financial capability of the exchange to meet the
22 3 incurred or estimated claims expenses or operating expenses of
22 4 the exchange until the next calendar year is completed. Net
22 5 gains, if any, must be held at interest to offset future
22 6 losses or allocated to reduce future premiums.
22 7 a. For purposes of this subsection, "total health
22 8 insurance premiums" and "payments for subscriber contracts"
22 9 include, without limitation, premiums or other amounts paid to
22 10 or received by a member for individual and group health plan
22 11 coverage provided under any chapter of the Code or Acts, and
22 12 "paid losses" includes, without limitation, claims paid by a
22 13 member operating on a self=funded basis for individual and
22 14 group health plan coverage provided under any chapter of the
22 15 Code or Acts.
22 16 b. For purposes of calculating and conducting the
22 17 assessment under this subsection, the exchange shall have the
22 18 express authority to require members to report on an annual
22 19 basis each member's total health insurance premiums and
22 20 payments for subscriber contracts and paid losses. A member
22 21 is liable for its share of the assessment calculated in
22 22 accordance with this section regardless of whether it
22 23 participates in the individual insurance market.
22 24 6. The exchange shall conduct periodic audits to assure
22 25 the general accuracy of the financial data submitted to the
22 26 exchange, and the exchange shall have an annual audit of its
22 27 operations, made by an independent certified public
22 28 accountant.
22 29 7. The exchange is subject to examination by the
22 30 commissioner. Not later than April 30 of each year, the board
22 31 shall submit to the commissioner a financial report for the
22 32 preceding calendar year in a form approved by the
22 33 commissioner.
22 34 8. The exchange is subject to oversight by the legislative
22 35 fiscal committee of the legislative council. Not later than

Senate File 48 - Introduced continued

23 1 April 30 of each year, the board shall submit to the governor,
23 2 the speaker of the house of representatives, the majority
23 3 leader of the senate, and the legislative fiscal committee a
23 4 financial report for the preceding year in a form approved by
23 5 the committee.
23 6 9. All policy forms issued by the exchange must be filed
23 7 with and approved by the commissioner before their use.
23 8 10. The exchange is exempt from payment of all fees and
23 9 all taxes levied by this state or any of its political
23 10 subdivisions.
23 11 11. A member may offset an assessment made pursuant to
23 12 this chapter against its premium tax liability pursuant to
23 13 chapter 432 to the extent of twenty percent of the amount of
23 14 the assessment for each of the five calendar years following
23 15 the year in which the assessment was paid. If a member ceases
23 16 doing business, all uncredited assessments may be credited
23 17 against its premium tax liability for the year it ceases doing
23 18 business.
23 19 12. The exchange shall develop and implement a plan and
23 20 corresponding timeline detailing action steps toward
23 21 implementing this chapter, by rules adopted pursuant to
23 22 chapter 17A as provided in section 514M.7.
23 23 Sec. 15. NEW SECTION. 514M.6 IOWA CHOICE INSURANCE
23 24 EXCHANGE COVERAGE.
23 25 1. The exchange shall develop a comprehensive health care
23 26 coverage plan to provide health care coverage to all children
23 27 without such coverage, that utilizes and modifies existing
23 28 public programs including the medical assistance program,
23 29 hawk=i program, and hawk=i expansion program, and to provide
23 30 access to private unsubsidized, affordable, qualified health
23 31 care coverage to children who are not otherwise eligible for
23 32 health care coverage through public programs.
23 33 2. The comprehensive plan developed by the exchange shall
23 34 also consider and recommend options to provide access to
23 35 private unsubsidized, affordable, qualified health care

Senate File 48 - Introduced continued

24 1 coverage to all Iowa children less than nineteen years of age
24 2 with a family income that is more than three hundred percent
24 3 of the federal poverty level and to adults and families with a
24 4 family income that is up to four hundred percent of the
24 5 federal poverty level who are not otherwise eligible for
24 6 health care coverage through public programs.
24 7 3. The exchange shall have broad authority to accomplish
24 8 the purposes of this chapter, including but not limited to:
24 9 a. Establishing, by rule, what constitutes qualified
24 10 health care coverage within parameters set by statute which
24 11 may include consideration of the following factors:
24 12 (1) Setting parameters for what is affordable by creating
24 13 an affordability schedule that is conservative to prevent harm
24 14 to people who are struggling financially and that utilizes a
24 15 progressive scale of subsidization by the state that decreases
24 16 as incomes increase and requires people with very low incomes
24 17 to pay only small amounts for health care coverage with no
24 18 financial penalties.
24 19 (2) Setting the maximum limit for affordability of
24 20 coverage at approximately six and one=half percent of an
24 21 individual's or family's income, including consideration of
24 22 assets held.
24 23 b. Establishing what constitutes qualified health care
24 24 coverage which meets certain standards of quality and
24 25 affordability. For purposes of defining qualified health care
24 26 coverage, the board may consider requirements for coverage and
24 27 benefits that include but are not limited to:
24 28 (1) No underwriting requirements and no preexisting
24 29 condition exclusions.
24 30 (2) Portability.
24 31 (3) Coverage of physical, behavioral, and dental health
24 32 services, vision services, and prescription drugs.
24 33 (4) Copayments and deductibles that do not exceed
24 34 specified amounts, with no copayments or deductibles for
24 35 wellness, prevention, disease, and chronic care management

Senate File 48 - Introduced continued

25 1 services.
25 2 (5) No reimbursement of providers for an otherwise covered
25 3 service if the service is required solely on account of the
25 4 provider's avoidable medical error.
25 5 (6) A requirement that all insureds have a medical home.
25 6 (7) Coverage of wellness, prevention, disease management,
25 7 and chronic care management services including, without
25 8 limitation, physical and psycho=social screenings for children
25 9 which satisfy the Medicaid early periodic screening,
25 10 diagnosis, and treatment standards.
25 11 (8) Coverage of emergency mental health services when
25 12 provided by a state=certified emergency mental health services
25 13 provider.
25 14 (9) Premium discounts for nonsmokers and for insureds who
25 15 successfully lose weight through participation in a diet and
25 16 exercise program prescribed by a qualified health care
25 17 professional.
25 18 (10) A requirement that all participating health care
25 19 providers:
25 20 (a) Utilize electronic prescriptions.
25 21 (b) Utilize electronic medical records.
25 22 (c) Provide rate schedules of all services provided to the
25 23 board.
25 24 c. Establishing threshold requirements for a future
25 25 mandate to provide health care coverage that must be met by
25 26 parents of children less than nineteen years of age with
25 27 family incomes greater than three hundred percent of the
25 28 federal poverty level.
25 29 d. Collaborating with carriers to do the following,
25 30 including but not limited to:
25 31 (1) Assuring the availability of private health insurance
25 32 coverage to all Iowans by designing solutions to issues
25 33 related to guaranteed issuance of insurance, preexisting
25 34 condition exclusions, portability, and allowable pooling and
25 35 rating classifications.

Senate File 48 - Introduced continued

26 1 (2) Formulating principles that ensure fair and
26 2 appropriate practices related to issues involving individual
26 3 health insurance policies such as recision and preexisting
26 4 condition clauses, and that provide for a binding third party
26 5 review process to resolve disputes related to such issues.
26 6 (3) Designing affordable, portable health insurance plans
26 7 that meet the needs of low=income populations.
26 8 4. The exchange shall design and implement a health care
26 9 coverage program called Iowa choice which offers private
26 10 qualified health care coverage through the exchange with
26 11 options to purchase at least three levels of benefits
26 12 including a gold plan which offers a comprehensive benefits
26 13 package, a silver plan which offers a medium benefits package,
26 14 and a bronze plan which offers a basic benefits package. The
26 15 Iowa choice care plans shall be available for purchase by
26 16 individuals and families. The purchase of Iowa choice health
26 17 care coverage may be publicly subsidized for low=income
26 18 individuals and families who do not meet eligibility
26 19 guidelines for any other public program. Iowa choice health
26 20 care coverage shall also provide affordable, unsubsidized
26 21 qualified health care coverage options for purchase by any
26 22 person who wishes to purchase them, including individuals,
26 23 families, and employees of small businesses.
26 24 5. The exchange shall design and administer a subsidy
26 25 program for payment of premiums for health care coverage for
26 26 low=income people that complements, not supplants, Medicaid
26 27 and includes cost=sharing by the insured using a sliding scale
26 28 based on income utilizing the federal poverty level
26 29 guidelines. The subsidy program may include subsidizing an
26 30 employee's purchase of health insurance offered by that
26 31 person's employer. The subsidy program may be implemented
26 32 incrementally as funding becomes available and may include
26 33 rolling implementation of the program to specified subgroups
26 34 of low=income children, adults, and families with incomes up
26 35 to four hundred percent of the federal poverty level.

Senate File 48 - Introduced continued

27 1 6. The exchange shall provide for the coordination of a
27 2 children's health care network in the state that acts as a
27 3 resource for consumers to transition seamlessly among public
27 4 and private health care coverage options, including but not
27 5 limited to medical assistance, hawk=i, and Iowa choice care
27 6 programs.
27 7 7. The exchange shall implement initiatives such as
27 8 uniform insurance applications, uniform billing and coding
27 9 procedures in Iowa choice plans, and other standardized
27 10 administrative procedures that make the purchase of insurance
27 11 easier and lower administrative costs. The board may
27 12 determine what constitutes an equitable administrative formula
27 13 for carriers.
27 14 8. The exchange shall encourage initiatives that allow
27 15 portability of insurance plans offered by the exchange.
27 16 9. The exchange may set and control premiums by
27 17 establishing what constitutes reasonable rates to ensure
27 18 affordability of coverage.
27 19 10. The exchange shall study the ramifications of
27 20 requiring each employer with more than ten employees in the
27 21 state to adopt and maintain a cafeteria plan that satisfies
27 22 section 125 of the federal Internal Revenue Code of 1986, and
27 23 the rules adopted by the exchange.
27 24 11. The exchange shall establish procedures for the
27 25 selection and approval of qualified health care coverage plans
27 26 to be offered through the exchange.
27 27 12. The exchange shall establish procedures for the
27 28 enrollment of eligible individuals and groups.
27 29 13. The exchange shall establish procedures for appeals of
27 30 eligibility decisions for the Iowa choice insurance exchange.
27 31 14. The exchange shall operate a health insurance service
27 32 center that collects and distributes information to consumers
27 33 about all health insurance policies, contracts, and plans
27 34 available in the state and provides information to eligible
27 35 Iowans about the exchange.

Senate File 48 - Introduced continued

28 1 15. The exchange shall establish and manage a system of
28 2 collecting all premium payments made by, or on behalf of,
28 3 individuals obtaining health insurance through the exchange,
28 4 including any premium payments made by enrollees, employers,
28 5 unions, or other organizations.
28 6 16. The exchange shall establish and manage a system of
28 7 remitting premium assistance payments to the carriers.
28 8 17. The exchange shall establish a plan for publicizing
28 9 the existence of the exchange and the exchange's requirements
28 10 and enrollment procedures.
28 11 18. The exchange shall develop criteria for determining
28 12 that certain health insurance plans shall no longer be made
28 13 available through the exchange, and develop a plan to
28 14 decertify and remove exchange approval from certain health
28 15 benefit plans.
28 16 19. The exchange shall develop criteria for health
28 17 insurance plans eligible for premium assistance payments
28 18 through the Iowa choice insurance exchange.
28 19 20. The exchange shall establish criteria for determining
28 20 each applicant's eligibility to purchase health insurance
28 21 offered by the exchange, including eligibility for premium
28 22 assistance payments.
28 23 21. The exchange may contract with professional service
28 24 firms as deemed necessary to carry out the requirements of
28 25 this section, and fix their compensation.
28 26 22. The exchange may contract with companies which provide
28 27 third=party administrative and billing services for health
28 28 insurance products.
28 29 23. The exchange shall design a premium schedule to be
28 30 published by the exchange by December 1 of each year, which,
28 31 accounting for maximum pricing in all rating factors with an
28 32 exception for age, includes the lowest premium on the market
28 33 for which an individual would be eligible for qualified health
28 34 care coverage as determined by the board. The schedule shall
28 35 publish premiums allowing variance for age and rate basis

Senate File 48 - Introduced continued

29 1 type.
29 2 24. The exchange shall commission a study to examine and
29 3 model the effect of merging the individual and small group
29 4 health insurance markets in this state.
29 5 25. The exchange shall commission a study to examine and
29 6 model the effect of merging the Iowa comprehensive health
29 7 insurance association pool and the Iowa choice insurance
29 8 exchange pool and modifying the pool to improve accessibility
29 9 to qualified coverage at affordable rates prior to complete
29 10 implementation of universal health care coverage in the state.
29 11 26. The exchange may consider changing pooling and rating
29 12 classifications, including age rating, to better reflect
29 13 principles of equity, fairness, and cost=sharing and that best
29 14 facilitate the goal of achieving quality, affordable health
29 15 care coverage for all Iowans.
29 16 Sec. 16. NEW SECTION. 514M.7 RULES.
29 17 Pursuant to chapter 17A, the commissioner shall adopt rules
29 18 to administer this chapter.
29 19 Sec. 17. NEW SECTION. 514M.8 IOWA CHOICE INSURANCE
29 20 EXCHANGE POOL == APPROPRIATION.
29 21 1. The Iowa choice insurance exchange pool is created in
29 22 the state treasury as a separate fund under the control of the
29 23 exchange. There shall be credited to the pool all moneys
29 24 collected from premiums paid for health care plans offered by
29 25 the exchange, and any other funds that are appropriated or
29 26 transferred to the pool. All moneys deposited or paid into
29 27 the pool are appropriated and made available to the exchange
29 28 to be used for the purposes set forth in this chapter.
29 29 2. Notwithstanding section 8.33, any balance in the fund
29 30 on June 30 of each fiscal year shall not revert to the general
29 31 fund of the state, but shall be available for purposes of this
29 32 chapter in subsequent fiscal years.
29 33 Sec. 18. NEW SECTION. 514M.9 COLLECTIVE ACTION ==
29 34 IMMUNITY.
29 35 Neither the participation by carriers or members in the

Senate File 48 - Introduced continued

30 1 exchange, the establishment of rates, forms, or procedures for
30 2 coverage issued by the exchange, nor any joint or collective
30 3 action required by this chapter shall be the basis of any
30 4 legal civil action, or criminal liability against the exchange
30 5 or members of it either jointly or separately.
30 6 Sec. 19. NEW SECTION. 514M.10 UNIVERSAL HEALTH CARE
30 7 COVERAGE == TRANSITION == IMPLEMENTATION.
30 8 1. To protect the health of all Iowans, the board shall
30 9 design and implement a program, including a timetable and
30 10 procedures for implementation, to ensure that all children in
30 11 the state have qualified health care coverage by maximizing
30 12 the use of state and private financial support as follows:
30 13 a. All children who are eligible for Medicaid, Medicaid
30 14 expansion, and hawk=i shall have coverage by December 31,
30 15 2009. Parents of such children shall provide proof that each
30 16 child has qualified health care coverage at a time and in a
30 17 manner as specified by the board by rule. Implementation of
30 18 this requirement may include a reporting requirement on Iowa
30 19 income tax returns or during school registration.
30 20 b. As funding becomes available, the state shall provide a
30 21 subsidy to assist with the purchase of qualified health care
30 22 coverage for the remaining uninsured children up to nineteen
30 23 years of age with a family income of up to four hundred
30 24 percent of the federal poverty level, using a sliding scale
30 25 based on family income. Parents of such children who are
30 26 eligible for subsidies shall provide proof that each child has
30 27 qualified health care coverage, at a time and in a manner as
30 28 specified by the board by rule. Implementation of this
30 29 requirement may include a reporting requirement on Iowa income
30 30 tax returns or during school registration.
30 31 c. All parents of children less than nineteen years of age
30 32 shall be required to provide proof that each child has
30 33 qualified health care coverage, at a time and in a manner as
30 34 specified by the board by rule. Implementation of this
30 35 requirement shall include a reporting requirement on Iowa

Senate File 48 - Introduced continued

31 1 income tax returns or during school registration.
31 2 2. To protect the health of all Iowans, the board shall
31 3 design and implement a program, including a timetable and
31 4 procedures for implementation after all children have
31 5 qualified health care coverage, to ensure that all adults in
31 6 the state have qualified health care coverage as follows:
31 7 a. The state shall continue to expand options for
31 8 individuals who are dually eligible for Medicare and Medicaid
31 9 by utilizing evidence=based care.
31 10 b. As funding becomes available, the state shall provide a
31 11 subsidy to assist uninsured health and long=term care workers
31 12 with the purchase of qualified health care coverage. "Health
31 13 and long=term care workers" shall be defined by the board by
31 14 rules adopted under chapter 17A. A health or long=term care
31 15 worker who is eligible for the subsidy shall provide proof of
31 16 qualified health care coverage, at a time and in a manner as
31 17 specified by the board by rule. Implementation of this
31 18 requirement may include a reporting requirement on Iowa income
31 19 tax returns.
31 20 c. As funding becomes available, the state shall provide a
31 21 subsidy to assist with the purchase of qualified health care
31 22 coverage by the remaining uninsured adults with a family
31 23 income of up to four hundred percent of the federal poverty
31 24 level, using a sliding scale based on income. A person who is
31 25 eligible for the subsidy shall provide proof of qualified
31 26 health care coverage, at a time and in a manner as specified
31 27 by the board by rule. Implementation of this requirement may
31 28 include a reporting requirement on Iowa income tax returns.
31 29 d. All adults shall be required to provide proof of
31 30 qualified health care coverage, at a time and in a manner as
31 31 specified by the board by rule. Implementation of this
31 32 requirement may include a reporting requirement on Iowa income
31 33 tax returns.
31 34 3. An adult or parent of a child who is required to
31 35 provide proof of qualified health care coverage of the adult

Senate File 48 - Introduced continued

32 1 or child and does not do so shall automatically be assigned
32 2 and enrolled in the appropriate health care coverage program
32 3 at a cost and in a time and manner determined by the board by
32 4 rule.
32 5 4. The board shall collaborate with members of the
32 6 exchange to institute health insurance reforms that may become
32 7 effective once universal health coverage of all Iowans has
32 8 been achieved. Such reforms may include:
32 9 a. Carriers will enroll any applicant rated up to two
32 10 hundred percent of standard at a maximum premium rate of one
32 11 hundred fifty percent of the standard rate.
32 12 b. Any applicant rated over two hundred percent of
32 13 standard will be enrolled in a plan offered by the state, such
32 14 as the Iowa comprehensive health insurance association pool or
32 15 the Iowa choice insurance exchange pool or a combination
32 16 thereof at one hundred fifty percent of standard premium rates
32 17 with the state subsidizing any cost over that amount.
32 18 c. Carriers will offer open enrollment periods where any
32 19 applicant may enroll with no preexisting condition exclusions.
32 20 d. Carriers will guarantee issuance of insurance with no
32 21 preexisting condition exclusions if an applicant has no more
32 22 than sixty=three days of lapse of coverage.
32 23 5. The Iowa choice insurance exchange program shall be
32 24 implemented by the board by rule pursuant to chapter 17A in
32 25 accordance with parameters and schedules established by
32 26 statute. The administrative rules review committee may
32 27 provide oversight of the rules through the administrative
32 28 rulemaking process.
32 29 COORDINATING AMENDMENTS
32 30 Sec. 20. Section 514E.1, subsections 15 and 22, Code 2009,
32 31 are amended by striking the subsections.
32 32 Sec. 21. Section 514E.2, subsection 3, unnumbered
32 33 paragraph 1, Code 2009, is amended to read as follows:
32 34 The association shall submit to the commissioner a plan of
32 35 operation for the association and any amendments necessary or

Senate File 48 - Introduced continued

33 1 suitable to assure the fair, reasonable, and equitable
33 2 administration of the association. ~~The plan of operation~~
~~33 3 shall include provisions for the development of a~~
~~33 4 comprehensive health care coverage plan as provided in section~~
~~33 5 514E.5. In developing the comprehensive plan the association~~
~~33 6 shall give deference to the recommendations made by the~~
~~33 7 advisory council as provided in section 514E.6, subsection 1.~~
~~33 8 The association shall approve or disapprove but shall not~~
~~33 9 modify recommendations made by the advisory council.~~
~~33 10 Recommendations that are approved shall be included in the~~
~~33 11 plan of operation submitted to the commissioner.~~
~~33 12 Recommendations that are disapproved shall be submitted to the~~
~~33 13 commissioner with reasons for the disapproval.~~ The plan of
33 14 operation becomes effective upon approval in writing by the
33 15 commissioner prior to the date on which the coverage under
33 16 this chapter must be made available. After notice and
33 17 hearing, the commissioner shall approve the plan of operation
33 18 if the plan is determined to be suitable to assure the fair,
33 19 reasonable, and equitable administration of the association,
33 20 and provides for the sharing of association losses, if any, on
33 21 an equitable and proportionate basis among the member
33 22 carriers. If the association fails to submit a suitable plan
33 23 of operation within one hundred eighty days after the
33 24 appointment of the board of directors, or if at any later time
33 25 the association fails to submit suitable amendments to the
33 26 plan, the commissioner shall adopt, pursuant to chapter 17A,
33 27 rules necessary to implement this section. The rules shall
33 28 continue in force until modified by the commissioner or
33 29 superseded by a plan submitted by the association and approved
33 30 by the commissioner. In addition to other requirements, the
33 31 plan of operation shall provide for all of the following:
33 32 Sec. 22. Sections 514E.5 and 514E.6, Code 2009, are
33 33 repealed.
33 34 DIVISION III
33 35 HEALTH CARE COVERAGE OF ADULT CHILDREN

Senate File 48 - Introduced continued

34 1 Sec. 23. Section 422.7, Code 2009, is amended by adding
34 2 the following new subsection:
34 3 NEW SUBSECTION. 29A. If the health benefits coverage or
34 4 insurance of the taxpayer includes coverage of a nonqualified
34 5 tax dependent as determined by the federal internal revenue
34 6 service, subtract, to the extent included, the amount of the
34 7 value of such coverage attributable to the nonqualified tax
34 8 dependent.
34 9 Sec. 24. Section 509.3, subsection 8, Code 2009, is
34 10 amended to read as follows:
34 11 8. A provision that the insurer will permit continuation
34 12 of existing coverage or reenrollment in previously existing
34 13 coverage for an unmarried child of an insured or enrollee who
34 14 so elects, at least through the policy anniversary date on or
34 15 after the date the child marries, ceases to be a resident of
34 16 this state, or attains the age of twenty=five years old,
34 17 whichever occurs first, or so long as the unmarried child
34 18 maintains full=time status as a student in an accredited
34 19 institution of postsecondary education.
34 20 In addition to the provisions required in subsections 1
34 21 through 7, the commissioner shall require provisions through
34 22 the adoption of rules implementing the federal Health
34 23 Insurance Portability and Accountability Act, Pub. L. No.
34 24 104=191.
34 25 Sec. 25. Section 509A.13B, Code 2009, is amended to read
34 26 as follows:
34 27 509A.13B ~~CONTINUATION OF DEPENDENT~~ COVERAGE OF CHILDREN ==
34 28 CONTINUATION OR REENROLLMENT.
34 29 If a governing body, a county board of supervisors, or a
34 30 city council has procured accident or health care coverage for
34 31 its employees under this chapter such coverage shall permit
34 32 continuation of existing coverage or reenrollment in
34 33 previously existing coverage for an unmarried child of an
34 34 insured or enrollee who so elects, at least through the policy
34 35 anniversary date on or after the date the child marries,

Senate File 48 - Introduced continued

35 1 ceases to be a resident of this state, or attains the age of
35 2 twenty=five years old, whichever occurs first, or so long as
35 3 the unmarried child maintains full=time status as a student in
35 4 an accredited institution of postsecondary education.
35 5 Sec. 26. Section 514A.3B, subsection 2, Code 2009, is
35 6 amended to read as follows:
35 7 2. An insurer issuing an individual policy or contract of
35 8 accident and health insurance which provides coverage for
35 9 children of the insured shall permit continuation of existing
35 10 coverage <u>or reenrollment in previously existing coverage</u> for
35 11 an unmarried child of an insured or enrollee who so elects, at
35 12 least through the policy anniversary date on or after the date
35 13 the child marries, ceases to be a resident of this state, or
35 14 attains the age of twenty=five years old, whichever occurs
35 15 first, or so long as the unmarried child maintains full=time
35 16 status as a student in an accredited institution of
35 17 postsecondary education.
35 18 Sec. 27. APPLICABILITY. The sections of this Act amending
35 19 section 509.3, subsection 8, 509A.13B, and 514A.3B, subsection
35 20 2, apply to policies, contracts, or plans of accident and
35 21 health insurance delivered, issued for delivery, continued, or
35 22 renewed in this state on or after July 1, 2009.
35 23 Sec. 28. RETROACTIVE APPLICABILITY DATE. The section of
35 24 this Act enacting section 422.7, subsection 29A, applies
35 25 retroactively to January 1, 2009, for tax years beginning on
35 26 or after that date.
35 27 DIVISION IV
35 28 MEDICAL ASSISTANCE AND HAWK=I PROVISIONS
35 29 COVERAGE FOR ALL INCOME=ELIGIBLE CHILDREN
35 30 Sec. 29. <u>NEW SECTION</u>. 249A.3A MEDICAL ASSISTANCE == ALL
35 31 INCOME=ELIGIBLE CHILDREN.
35 32 The department shall provide state=only funded medical
35 33 assistance to individuals under nineteen years of age who meet
35 34 the income eligibility requirements for the state medical
35 35 assistance program, notwithstanding that federal financial

Senate File 48 - Introduced continued

36 1 participation is not available for the cost of such medical
36 2 assistance. The department shall take such actions as may be
36 3 necessary to ensure the receipt of federal financial
36 4 participation under Title XIX of the federal Social Security
36 5 Act for the medical assistance program and any other federal
36 6 funding sources that may become available in the future to
36 7 provide coverage to this population.
36 8 Sec. 30. NEW SECTION. 514I.8A HAWK=I == ALL
36 9 INCOME=ELIGIBLE CHILDREN.
36 10 The department shall provide state=only funded coverage to
36 11 individuals under nineteen years of age who meet the income
36 12 eligibility requirements for the hawk=i program,
36 13 notwithstanding that federal financial participation is not
36 14 available for the cost of such coverage. The department shall
36 15 take such actions as may be necessary to ensure the receipt of
36 16 federal financial participation under Title XXI of the federal
36 17 Social Security Act and any other federal funding sources that
36 18 may become available in the future to provide coverage to this
36 19 population.
36 20 REQUIRED APPLICATION FOR DEPENDENT CHILD HEALTH CARE COVERAGE
36 21 Sec. 31. Section 422.12M, Code 2009, is amended to read as
36 22 follows:
36 23 422.12M INCOME TAX FORM == INDICATION OF DEPENDENT CHILD
36 24 HEALTH CARE COVERAGE.
36 25 1. The director shall draft the income tax form to ~~allow~~
36 26 require beginning with the tax returns for tax year ~~2008~~ 2009,
36 27 a person who files an individual or joint income tax return
36 28 with the department under section 422.13 to indicate the
36 29 presence or absence of health care coverage for each dependent
36 30 child for whom an exemption is claimed.
36 31 2. Beginning with the income tax return for tax year ~~2008~~
36 32 2009, a person who files an individual or joint income tax
36 33 return with the department under section 422.13, ~~may~~ shall
36 34 report on the income tax return, in the form required, the
36 35 presence or absence of health care coverage for each dependent

Senate File 48 - Introduced continued

37 1 child for whom an exemption is claimed.
37 2 a. If the taxpayer indicates on the income tax return that
37 3 a dependent child does not have health care coverage, and the
37 4 income of the taxpayer's tax return does not exceed the
37 5 highest level of income eligibility standard for the medical
37 6 assistance program pursuant to chapter 249A or the hawk=i
37 7 program pursuant to chapter 514I, the department shall send a
37 8 notice to the taxpayer indicating that the dependent child may
37 9 be eligible for the medical assistance program or the hawk=i
37 10 program and providing information to the taxpayer about how to
37 11 enroll the dependent child in the ~~programs~~ appropriate
37 12 program. The taxpayer shall submit an application for the
37 13 appropriate program within ninety days of receipt of the
37 14 enrollment information.
37 15 ~~b. Notwithstanding any other provision of law to the~~
~~37 16 contrary, a taxpayer shall not be subject to a penalty for not~~
~~37 17 providing the information required under this section.~~
37 18 ~~c.~~ b. The department shall consult with the department of
37 19 human services in developing the tax return form and the
37 20 information to be provided to tax filers under this section.
37 21 3. The department, in cooperation with the department of
37 22 human services, shall adopt rules pursuant to chapter 17A to
37 23 administer this section, including rules defining "health care
37 24 coverage" for the purpose of indicating its presence or
37 25 absence on the tax form and enforcement provisions relating to
37 26 the required indication of a dependent child's health care
37 27 coverage status on the tax form and the required application
37 28 for an appropriate program as specified in this section.
37 29 4. The department, in cooperation with the department of
37 30 human services, shall report, annually, to the governor and
37 31 the general assembly all of the following:
37 32 a. The number of Iowa families, by income level, claiming
37 33 the state income tax exemption for dependent children.
37 34 b. The number of Iowa families, by income level, claiming
37 35 the state income tax exemption for dependent children ~~who also~~

Senate File 48 - Introduced continued

38 1 and whether they indicate the presence or absence of health
38 2 care coverage for the dependent children.
38 3 c. The effect of the reporting requirements and provision
38 4 of information ~~requirements~~ required under this section on the
38 5 number and percentage of children in the state who are
38 6 uninsured.
38 7 d. The number of those indicating the absence of coverage
38 8 who comply or do not comply with the requirement for
38 9 application for an appropriate program, and any enforcement
38 10 action taken.
38 11 PREGNANT WOMEN INCOME ELIGIBILITY FOR MEDICAID
38 12 Sec. 32. Section 249A.3, subsection 1, paragraph l, Code
38 13 2009, is amended to read as follows:
38 14 l. (1) Is an infant whose income is not more than two
38 15 hundred percent of the federal poverty level, as defined by
38 16 the most recently revised income guidelines published by the
38 17 United States department of health and human services.
38 18 (2) Additionally, effective July 1, 2009, medical
38 19 assistance shall be provided to ~~an~~ a pregnant woman or infant
38 20 whose family income is at or below three hundred percent of
38 21 the federal poverty level, as defined by the most recently
38 22 revised poverty income guidelines published by the United
38 23 States department of health and human services, if otherwise
38 24 eligible.
38 25 IMPROVING ACCESS AND RETENTION
38 26 Sec. 33. Section 249A.4, Code 2009, is amended by adding
38 27 the following new subsections:
38 28 NEW SUBSECTION. 16. Provide by rule for presumptive
38 29 eligibility for a child who is eligible for medical assistance
38 30 under this chapter.
38 31 NEW SUBSECTION. 17. Require by rule only one pay stub as
38 32 verification of earned income for the medical assistance
38 33 program when it is indicative of future income.
38 34 NEW SUBSECTION. 18. Allow by rule for an averaging of
38 35 three years of income for self=employed families to establish

Senate File 48 - Introduced continued

39 1 eligibility for the medical assistance program.
39 2 NEW SUBSECTION. 19. Extend by rule the period for annual
39 3 renewal by medical assistance members by mailing the renewal
39 4 form to the member on the first day of the month prior to the
39 5 month of renewal.
39 6 NEW SUBSECTION. 20. Implement by rule passive renewal in
39 7 the medical assistance program.
39 8 Sec. 34. Section 514I.5, subsection 8, paragraph g, Code
39 9 2009, is amended to read as follows:
39 10 g. Presumptive eligibility criteria for the program.
39 11 Beginning July 1, 2009, presumptive eligibility shall be
39 12 provided for an eligible child.
39 13 Sec. 35. Section 514I.5, subsection 8, Code 2009, is
39 14 amended by adding the following new paragraphs:
39 15 NEW PARAGRAPH. o. Requiring only one pay stub as
39 16 verification of earned income when it is indicative of future
39 17 income.
39 18 NEW PARAGRAPH. p. Allowing for an averaging of three
39 19 years of income for self=employed families to establish
39 20 eligibility.
39 21 DIVISION V
39 22 VOLUNTEER HEALTH CARE PROVIDERS
39 23 Sec. 36. Section 135.24, Code 2009, is amended to read as
39 24 follows:
39 25 135.24 VOLUNTEER HEALTH CARE PROVIDER PROGRAM ESTABLISHED
39 26 == IMMUNITY FROM CIVIL LIABILITY.
39 27 1. The director shall establish within the department a
39 28 program to provide to eligible hospitals, clinics, free
39 29 clinics, field dental clinics, health care provider offices,
39 30 or other health care facilities, health care referral
39 31 programs, or charitable organizations, free medical, dental,
39 32 chiropractic, pharmaceutical, nursing, optometric,
39 33 psychological, social work, behavioral science, podiatric,
39 34 physical therapy, occupational therapy, respiratory therapy,
39 35 and emergency medical care services given on a voluntary basis

Senate File 48 - Introduced continued

40 1 by health care providers. A participating health care
40 2 provider shall register with the department and obtain from
40 3 the department a list of eligible, participating hospitals,
40 4 clinics, free clinics, field dental clinics, health care
40 5 provider offices, or other health care facilities, health care
40 6 referral programs, or charitable organizations.
40 7 2. The department, in consultation with the department of
40 8 human services, shall adopt rules to implement the volunteer
40 9 health care provider program which shall include the
40 10 following:
40 11 a. Procedures for registration of health care providers
40 12 deemed qualified by the board of medicine, the board of
40 13 physician assistants, the dental board, the board of nursing,
40 14 the board of chiropractic, the board of psychology, the board
40 15 of social work, the board of behavioral science, the board of
40 16 pharmacy, the board of optometry, the board of podiatry, the
40 17 board of physical and occupational therapy, the board of
40 18 respiratory care, and the Iowa department of public health, as
40 19 applicable.
40 20 b. Procedures for registration of free clinics, ~~and~~ field
40 21 dental clinics, and health care provider offices.
40 22 c. Criteria for and identification of hospitals, clinics,
40 23 free clinics, field dental clinics, health care provider
40 24 offices, or other health care facilities, health care referral
40 25 programs, or charitable organizations, eligible to participate
40 26 in the provision of free medical, dental, chiropractic,
40 27 pharmaceutical, nursing, optometric, psychological, social
40 28 work, behavioral science, podiatric, physical therapy,
40 29 occupational therapy, respiratory therapy, or emergency
40 30 medical care services through the volunteer health care
40 31 provider program. A free clinic, a field dental clinic, a
40 32 health care provider office, a health care facility, a health
40 33 care referral program, a charitable organization, or a health
40 34 care provider participating in the program shall not bill or
40 35 charge a patient for any health care provider service provided

Senate File 48 - Introduced continued

41 1 under the volunteer health care provider program.
41 2 d. Identification of the services to be provided under the
41 3 program. The services provided may include, but shall not be
41 4 limited to, obstetrical and gynecological medical services,
41 5 psychiatric services provided by a physician licensed under
41 6 chapter 148, dental services provided under chapter 153, or
41 7 other services provided under chapter 147A, 148A, 148B, 148C,
41 8 149, 151, 152, 152B, 152E, 154, 154B, 154C, 154D, 154F, or
41 9 155A.
41 10 3. A health care provider providing free care under this
41 11 section shall be considered an employee of the state under
41 12 chapter 669, shall be afforded protection as an employee of
41 13 the state under section 669.21, and shall not be subject to
41 14 payment of claims arising out of the free care provided under
41 15 this section through the health care provider's own
41 16 professional liability insurance coverage, provided that the
41 17 health care provider has done all of the following:
41 18 a. Registered with the department pursuant to subsection
41 19 1.
41 20 b. Provided medical, dental, chiropractic, pharmaceutical,
41 21 nursing, optometric, psychological, social work, behavioral
41 22 science, podiatric, physical therapy, occupational therapy,
41 23 respiratory therapy, or emergency medical care services
41 24 through a hospital, clinic, free clinic, field dental clinic,
41 25 <u>health care provider office,</u> or other health care facility,
41 26 health care referral program, or charitable organization
41 27 listed as eligible and participating by the department
41 28 pursuant to subsection 1.
41 29 4. A free clinic providing free care under this section
41 30 shall be considered a state agency solely for the purposes of
41 31 this section and chapter 669 and shall be afforded protection
41 32 under chapter 669 as a state agency for all claims arising
41 33 from the provision of free care by a health care provider
41 34 registered under subsection 3 who is providing services at the
41 35 free clinic in accordance with this section or from the

Senate File 48 - Introduced continued

42 1 provision of free care by a health care provider who is
42 2 covered by adequate medical malpractice insurance as
42 3 determined by the department, if the free clinic has
42 4 registered with the department pursuant to subsection 1.
42 5 5. A field dental clinic providing free care under this
42 6 section shall be considered a state agency solely for the
42 7 purposes of this section and chapter 669 and shall be afforded
42 8 protection under chapter 669 as a state agency for all claims
42 9 arising from the provision of free care by a health care
42 10 provider registered under subsection 3 who is providing
42 11 services at the field dental clinic in accordance with this
42 12 section or from the provision of free care by a health care
42 13 provider who is covered by adequate medical malpractice
42 14 insurance, as determined by the department, if the field
42 15 dental clinic has registered with the department pursuant to
42 16 subsection 1.
42 17 5A. A health care provider office providing free care
42 18 under this section shall be considered a state agency solely
42 19 for the purposes of this section and chapter 669 and shall be
42 20 afforded protection under chapter 669 as a state agency for
42 21 all claims arising from the provision of free care by a health
42 22 care provider registered under subsection 3 who is providing
42 23 services at the health care provider office in accordance with
42 24 this section or from the provision of free care by a health
42 25 care provider who is covered by adequate medical malpractice
42 26 insurance, as determined by the department, if the health care
42 27 provider office has registered with the department pursuant to
42 28 subsection 1.
42 29 6. For the purposes of this section:
42 30 a. "Charitable organization" means a charitable
42 31 organization within the meaning of section 501(c)(3) of the
42 32 Internal Revenue Code.
42 33 b. "Field dental clinic" means a dental clinic temporarily
42 34 or periodically erected at a location utilizing mobile dental
42 35 equipment, instruments, or supplies, as necessary, to provide

43 1 dental services.
43 2 c. "Free clinic" means a facility, other than a hospital
43 3 or health care provider's office which is exempt from taxation
43 4 under section 501(c)(3) of the Internal Revenue Code and which
43 5 has as its sole purpose the provision of health care services
43 6 without charge to individuals who are otherwise unable to pay
43 7 for the services.
43 8 d. "Health care provider" means a physician licensed under
43 9 chapter 148, a chiropractor licensed under chapter 151, a
43 10 physical therapist licensed pursuant to chapter 148A, an
43 11 occupational therapist licensed pursuant to chapter 148B, a
43 12 podiatrist licensed pursuant to chapter 149, a physician
43 13 assistant licensed and practicing under a supervising
43 14 physician pursuant to chapter 148C, a licensed practical
43 15 nurse, a registered nurse, or an advanced registered nurse
43 16 practitioner licensed pursuant to chapter 152 or 152E, a
43 17 respiratory therapist licensed pursuant to chapter 152B, a
43 18 dentist, dental hygienist, or dental assistant registered or
43 19 licensed to practice under chapter 153, an optometrist
43 20 licensed pursuant to chapter 154, a psychologist licensed
43 21 pursuant to chapter 154B, a social worker licensed pursuant to
43 22 chapter 154C, a mental health counselor or a marital and
43 23 family therapist licensed pursuant to chapter 154D,* a
43 24 pharmacist licensed pursuant to chapter 155A, or an emergency
43 25 medical care provider certified pursuant to chapter 147A.
43 26 e. "Health care provider office" means the private office
43 27 or clinic of an individual health care provider or group of
43 28 health care providers but does not include a field dental
43 29 clinic, a free clinic, or a hospital.
43 30 DIVISION VI
43 31 HEALTH CARE WORKFORCE SUPPORT INITIATIVE
43 32 Sec. 37. Section 261.2, Code 2009, is amended by adding
43 33 the following new subsection:
43 34 NEW SUBSECTION. 10. Administer, in cooperation with the
43 35 health care workforce shortages advisory council established

Senate File 48 - Introduced continued

44 1 in section 261.128, the health care workforce support
44 2 initiative.
44 3 Sec. 38. NEW SECTION. 261.128 HEALTH CARE WORKFORCE
44 4 SUPPORT INITIATIVE == WORKFORCE SHORTAGE FUND.
44 5 1. HEALTH CARE WORKFORCE SHORTAGE FUND.
44 6 a. A health care workforce shortage fund is created in the
44 7 state treasury as a separate fund under the control of the
44 8 college student aid commission. Moneys appropriated from the
44 9 general fund of the state to the fund; moneys received from
44 10 the federal government for the purposes of addressing the
44 11 health care workforce shortage; contributions, grants, and
44 12 other moneys from communities and health care employers; and
44 13 moneys from any other public or private source available to
44 14 the fund, shall be deposited in the fund. The commission may
44 15 receive contributions, grants, and in=kind contributions to
44 16 support the purposes of the fund.
44 17 b. The fund shall be separate from the general fund of the
44 18 state and shall not be considered part of the general fund of
44 19 the state. The moneys in the fund shall not be considered
44 20 revenue of the state, but rather shall be moneys of the fund.
44 21 The moneys in the fund are not subject to section 8.33 and
44 22 shall not be transferred, used, obligated, appropriated, or
44 23 otherwise encumbered, except to provide for the purposes of
44 24 this section. Notwithstanding section 12C.7, subsection 2,
44 25 interest or earnings on moneys deposited in the fund shall be
44 26 credited to the fund.
44 27 c. Moneys in the fund are appropriated to support the
44 28 medical residency training grants program, the health care
44 29 professional loan repayment program, and the nurse educator
44 30 forgivable loan and nursing faculty fellowship programs, as
44 31 specified in this section. However, the total amount provided
44 32 annually for the medical residency training grants program
44 33 shall not exceed eleven million dollars, the total amount
44 34 provided annually for the health care professional loan
44 35 repayment program shall not exceed three million dollars, and

Senate File 48 - Introduced continued

45 1 the total amount provided annually for the nurse educator
45 2 forgivable loan and nursing faculty fellowship programs shall
45 3 not exceed one million dollars.
45 4 d. The commission shall adopt rules pursuant to chapter
45 5 17A to administer the fund.
45 6 2. HEALTH CARE WORKFORCE SHORTAGE ADVISORY COUNCIL.
45 7 a. The commission shall establish a health care workforce
45 8 shortage advisory council. The commission shall adopt rules
45 9 pursuant to chapter 17A to establish policies and procedures
45 10 for the advisory council.
45 11 b. The members of the advisory council shall include one
45 12 representative of each of the following:
45 13 (1) The department of public health.
45 14 (2) The department of human services.
45 15 (3) The department of education.
45 16 (4) The office of the attorney general.
45 17 (5) The university of Iowa college of medicine.
45 18 (6) The university of Iowa hospitals and clinics.
45 19 (7) Iowa health systems.
45 20 (8) Mercy medical center.
45 21 (9) Des Moines university == osteopathic medical center.
45 22 (10) The Iowa hospital association.
45 23 (11) The Iowa medical society.
45 24 (12) The Iowa nurses association.
45 25 c. The advisory council members shall serve without
45 26 compensation or reimbursement for expenses.
45 27 d. The advisory council shall provide oversight for the
45 28 programs established under this section. The advisory council
45 29 shall also make recommendations to the commission regarding
45 30 administration of the programs including prioritization in the
45 31 awarding of grants, loans, and fellowships based upon data
45 32 demonstrating the specific health care provider needs in this
45 33 state.
45 34 e. The advisory council shall also provide recommendations
45 35 to the commission regarding coordination of the programs

Senate File 48 - Introduced continued

46 1 established under this section with other health care
46 2 professional=related financial assistance programs available
46 3 in this state.
46 4 3. MEDICAL RESIDENCY TRAINING GRANTS PROGRAM.
46 5 a. The commission shall establish a medical residency
46 6 training grants program to provide grants to sponsors of
46 7 accredited graduate medical education residency programs in
46 8 this state to establish, expand, or support medical residency
46 9 training programs. For the purposes of this section, unless
46 10 the context otherwise requires, "accredited" means a graduate
46 11 medical education program approved by the accreditation
46 12 council for graduate medical education. The grant funds may
46 13 be used to support medical residency programs through any of
46 14 the following:
46 15 (1) The establishment of new or alternative campus
46 16 accredited medical residency training programs. For the
46 17 purposes of this subparagraph, "new or alternative campus
46 18 accredited medical residency training program" means a program
46 19 that is accredited by a recognized entity approved for such
46 20 purpose by the accreditation council for graduate medical
46 21 education with the exception that a new medical residency
46 22 training program that, by reason of an insufficient period of
46 23 operation is not eligible for accreditation on or before the
46 24 date of submission of an application for a grant, may be
46 25 deemed accredited if the accreditation council for graduate
46 26 medical education finds, after consultation with the
46 27 appropriate accreditation entity, that there is reasonable
46 28 assurance that the program will meet the accreditation
46 29 standards of the entity prior to the date of graduation of the
46 30 initial class in the program.
46 31 (2) The provision of new residency positions within
46 32 existing accredited medical residency or fellowship training
46 33 programs.
46 34 (3) The funding of not more than twenty=five residency
46 35 positions which are in excess of the federal residency cap.

Senate File 48 - Introduced continued

47 1 For the purposes of this subparagraph, "in excess of the
47 2 federal residency cap" means a residency position for which no
47 3 federal Medicare funding is available because the residency
47 4 position is a position beyond the cap for residency positions
47 5 established by the federal Balanced Budget Act of 1997, Pub.
47 6 L. No. 105=33.
47 7 b. The commission, in consultation with the advisory
47 8 council, shall adopt rules pursuant to chapter 17A to provide
47 9 for all of the following:
47 10 (1) Eligibility requirements for and qualifications of a
47 11 sponsor of an accredited graduate medical education residency
47 12 program to receive a grant.
47 13 (2) The application process for a grant.
47 14 (3) Criteria for preference in awarding of grants,
47 15 including preference in the residency specialty.
47 16 (4) Criteria for determining the amount of a grant. Only
47 17 entities that have contributed moneys to the health care
47 18 workforce shortage fund may be awarded grants. The total
47 19 amount of a grant to such an entity shall be limited to no
47 20 more than twice the amount of the contribution by the entity
47 21 to the fund.
47 22 (5) Use of the funds awarded. Funds may be used to pay
47 23 the costs of establishing, expanding, or supporting a graduate
47 24 medical education program including but not limited to costs
47 25 associated with residency stipends and physician faculty
47 26 stipends.
47 27 4. HEALTH CARE PROFESSIONAL LOAN REPAYMENT PROGRAM.
47 28 a. The commission shall establish a health care
47 29 professional loan repayment program to assist health care
47 30 professionals in repaying outstanding qualifying education
47 31 loans.
47 32 b. The commission shall administer the loan repayment
47 33 program with the assistance of Des Moines university ==
47 34 osteopathic medical center. From funds appropriated from the
47 35 health care workforce shortage fund for the purposes of the

Senate File 48 - Introduced continued

48 1 program, the commission shall pay a fee to Des Moines
48 2 university == osteopathic medical center for the
48 3 administration of the program.
48 4 c. The commission, with the assistance of Des Moines
48 5 university == osteopathic medical center and based on
48 6 recommendations from the advisory council, shall adopt rules
48 7 pursuant to chapter 17A relating to the establishment and
48 8 administration of the health care professional loan repayment
48 9 program. The rules adopted shall address all of the
48 10 following:
48 11 (1) Eligibility and qualification requirements for a
48 12 health care professional, medically underserved communities,
48 13 and health care employers to participate in the loan repayment
48 14 program. Any medically underserved community in the state and
48 15 all health care specialties shall be considered for
48 16 participation.
48 17 (a) To be eligible, a health care professional at a
48 18 minimum must not have any unserved obligations to a federal,
48 19 state, or local government or other entity that would prevent
48 20 compliance with obligations under the loan; must have a
48 21 current and unrestricted license to practice the
48 22 professional's respective profession; and must be able to
48 23 begin full=time clinical practice upon signing an agreement
48 24 for a loan repayment.
48 25 (b) To be eligible, a medically underserved community must
48 26 provide a clinical setting for full=time practice of a health
48 27 care professional and must provide a fifty thousand dollar
48 28 matching contribution for a physician and a fifteen thousand
48 29 dollar matching contribution for any other health care
48 30 professional.
48 31 (c) To be eligible, a health care employer must provide a
48 32 clinical setting for full=time practice of a health care
48 33 professional and must contribute to the health care workforce
48 34 shortage fund an amount that is at least twice the amount
48 35 awarded to recipients of loan repayments under the program

Senate File 48 - Introduced continued

49 1 employed by the health care employer.
49 2 (2) The process for awarding loans. The commission shall
49 3 receive recommendations from the advisory council regarding
49 4 selection of loan repayment recipients. The process shall
49 5 require each recipient to enter into an agreement with the
49 6 commission that specifies the obligations of the recipient and
49 7 the commission prior to receiving loan repayment.
49 8 (3) Public awareness regarding the program including
49 9 notification of potential health care professionals, medically
49 10 underserved communities, and health care employers about the
49 11 program and dissemination of applications to appropriate
49 12 entities.
49 13 (4) Measures regarding all of the following:
49 14 (a) The amount of the loan repayment and the specifics of
49 15 obligated service for a loan repayment recipient. A loan
49 16 repayment recipient shall agree to provide service in
49 17 full=time clinical practice for a minimum of four years. If a
49 18 loan repayment recipient is sponsored by a medically
49 19 underserved community partner, the obligated service shall be
49 20 provided in the medically underserved community. A loan
49 21 repayment recipient sponsored by a health care employer shall
49 22 agree to provide health care services as specified in an
49 23 employment agreement.
49 24 (b) Determination of the conditions of loan repayment
49 25 applicable to a loan repayment recipient. At the time of
49 26 approval for participation in the program, a loan repayment
49 27 recipient shall designate the qualifying loan to be repaid
49 28 through the program. The recipient shall be required to
49 29 submit proof that all payments made through the program are
49 30 applied toward the designated qualifying loan. For the
49 31 purposes of this subparagraph division, "qualifying loan"
49 32 means a government or commercial loan for actual costs paid
49 33 for tuition, reasonable education expenses, and reasonable
49 34 living expenses related to the graduate or undergraduate
49 35 education of a health care professional.

Senate File 48 - Introduced continued

50 1 (c) Enforcement of the state's rights under a loan
50 2 repayment agreement, including the commencement of any court
50 3 action. A recipient who fails to fulfill the requirements of
50 4 the loan repayment agreement is subject to payment of the loan
50 5 repayment amount in full or on a pro rata basis for the
50 6 portion of the loan repaid through the fund and any penalty
50 7 established by rule of the commission. A recipient who fails
50 8 to meet the requirements of the loan repayment agreement may
50 9 also be subject to repayment of moneys advanced by a medically
50 10 underserved community or health care employer partner as
50 11 provided in any agreement with the partner.
50 12 (d) Waiver, suspension, or cancellation of a loan
50 13 repayment agreement in appropriate situations.
50 14 (e) A process for monitoring compliance with eligibility
50 15 requirements, obligated service provisions, and use of funds
50 16 by recipients to verify eligibility of recipients and to
50 17 ensure that state and federal funds are used in accordance
50 18 with program requirements.
50 19 d. A recipient is responsible for reporting on federal
50 20 income tax forms any amount received through the program, to
50 21 the extent required by federal law. Loan repayments received
50 22 through the program by a recipient in compliance with the
50 23 requirements of the loan repayment program are exempt from
50 24 state income taxation.
50 25 5. NURSING WORKFORCE SHORTAGE INITIATIVE.
50 26 a. NURSE EDUCATOR FORGIVABLE LOAN PROGRAM.
50 27 (1) The commission shall establish a nurse educator
50 28 forgivable loan program. For the purposes of this paragraph,
50 29 "nurse educator" means a registered nurse who holds a master's
50 30 degree or doctorate degree and is employed as a faculty member
50 31 who teaches nursing in a nursing education program as provided
50 32 in 655 IAC 2.6 at an accredited private institution or an
50 33 institution of higher education governed by the state board of
50 34 regents.
50 35 (2) The program shall consist of loan forgiveness for

Senate File 48 - Introduced continued

51 1 qualifying loans for nurse educators. For the purposes of
51 2 this subparagraph, "qualifying loan" means a government or
51 3 commercial loan for actual costs paid for tuition, reasonable
51 4 education expenses, and reasonable living expenses related to
51 5 the graduate or undergraduate education of a nurse. The
51 6 program shall provide for payment of up to twenty thousand
51 7 dollars for a qualifying loan, if the nurse educator remains
51 8 teaching in a qualifying teaching position for a period of not
51 9 less than four consecutive academic years.
51 10 (3) The nurse educator and the commission shall enter into
51 11 an agreement specifying the obligations of the nurse educator
51 12 and the commission. If the nurse educator leaves the
51 13 qualifying teaching position prior to teaching for four
51 14 consecutive academic years, the nurse educator shall be liable
51 15 to repay the amount of the qualifying loan paid or forgiven
51 16 through the program, plus interest as specified by rule.
51 17 However, if the nurse educator leaves the qualifying teaching
51 18 position involuntarily, the nurse educator shall not be liable
51 19 to repay the amount paid or forgiven, but shall be responsible
51 20 for paying the amount remaining due on a qualifying loan.
51 21 (4) The commission, in consultation with the advisory
51 22 council, shall adopt rules pursuant to chapter 17A relating to
51 23 the establishment and administration of the nurse educator
51 24 forgivable loan program. The rules shall include provisions
51 25 specifying what constitutes a qualifying teaching position.
51 26 b. NURSING FACULTY FELLOWSHIP PROGRAM.
51 27 (1) The commission shall establish a nursing faculty
51 28 fellowship program to provide funds to nursing schools in the
51 29 state for fellowships for individuals employed in qualifying
51 30 positions on the nursing faculty. The program shall be
51 31 designed to assist nursing schools in filling vacancies in
51 32 qualifying positions throughout the state.
51 33 (2) The commission, in consultation with the advisory
51 34 council and in cooperation with nursing schools throughout the
51 35 state, shall develop a distribution formula which shall

Senate File 48 - Introduced continued

52 1 provide that no more than thirty percent of the available
52 2 moneys are awarded to a single nursing school. Additionally,
52 3 the program shall limit funding for a qualifying position in a
52 4 nursing school to no more than ten thousand dollars per year
52 5 for up to three years.
52 6 (3) The commission, in consultation with the advisory
52 7 council, shall adopt rules pursuant to chapter 17A to
52 8 administer the program. The rules shall include provisions
52 9 specifying what constitutes a qualifying position at a nursing
52 10 school.
52 11 (4) In determining eligibility for a fellowship, the
52 12 commission shall consider all of the following:
52 13 (a) The length of time a qualifying position has gone
52 14 unfilled at a nursing school.
52 15 (b) Documented recruiting efforts by a nursing school.
52 16 (c) The geographic location of a nursing school.
52 17 (d) The type of nursing program offered at the nursing
52 18 school, including associate, bachelor's, master's, or doctoral
52 19 degrees in nursing, and the need for the specific nursing
52 20 program in the state.
52 21 6. The commission shall submit an annual report to the
52 22 governor and the general assembly regarding the status of the
52 23 health care workforce support initiative, including the
52 24 balance remaining in and appropriations from the health care
52 25 workforce shortage fund.
52 26 Sec. 39. Sections 261.19 and 261.19B, Code 2009, are
52 27 repealed.
52 28 Sec. 40. CODE EDITOR DIRECTIVE. The Code editor shall
52 29 create a new division in chapter 261 codifying section
52 30 261.128, as enacted in this Act, as the health care workforce
52 31 support initiative.
52 32 DIVISION VII
52 33 PHARMACEUTICAL=RELATED INITIATIVES
52 34 MEDICATION THERAPY MANAGEMENT
52 35 Sec. 41. NEW SECTION. 155A.43 MEDICATION THERAPY

Senate File 48 - Introduced continued

53 1 MANAGEMENT == ADVISORY COMMITTEE.
53 2 1. The director of public health shall appoint a
53 3 medication therapy management advisory committee comprised of
53 4 the following:
53 5 a. Three licensed pharmacists selected by the Iowa
53 6 pharmacy association.
53 7 b. Two licensed physicians.
53 8 c. One consumer representative.
53 9 d. One health insurer.
53 10 2. Members of the committee shall serve three=year terms
53 11 beginning and ending as provided in section 69.19.
53 12 Appointments are subject to the requirements of sections 69.16
53 13 and 69.16A. Any vacancy shall be filled in the same manner as
53 14 regular appointments are made for the unexpired portion of the
53 15 regular term. A member is eligible for reappointment for two
53 16 successive terms. Committee members shall not receive
53 17 compensation or reimbursement for expenses.
53 18 3. The advisory committee shall do all of the following:
53 19 a. Advise the director and the commissioner of insurance
53 20 in the development and administration of the medication
53 21 therapy management benefit coverage pursuant to section
53 22 514C.24, including adoption of rules pursuant to chapter 17A.
53 23 b. Evaluate, annually, the effect of medication therapy
53 24 management on quality of care, patient outcomes, and health
53 25 coverage costs. The advisory committee annually shall compile
53 26 its findings and submit its findings and recommendations to
53 27 the governor and the general assembly. The director of public
53 28 health may contract with an academic institution or other
53 29 appropriate entity that has expertise in evaluating health
53 30 care outcomes for the purpose of completing the evaluation.
53 31 Sec. 42. NEW SECTION. 514C.24 MEDICAL THERAPY MANAGEMENT
53 32 COVERAGE.
53 33 1. As used in this section, unless the context otherwise
53 34 requires:
53 35 a. "Commissioner" means the commissioner of insurance.

Senate File 48 - Introduced continued

54 1 b. "Medication therapy management" means the provision of
54 2 all of the following services by a licensed pharmacist to
54 3 optimize the therapeutic outcomes of a patient's medications:
54 4 (1) Conducting a medication therapy review with the
54 5 patient to identify, resolve, and prevent medication=related
54 6 problems, including adverse drug events.
54 7 (2) Working with the patient to develop a personal
54 8 medication record that contains all prescribed and
54 9 nonprescription drugs, herbal products, and dietary
54 10 supplements taken by the patient.
54 11 (3) Working with the patient to develop a
54 12 medication=related action plan for the patient to use in
54 13 collaborative medication self=management.
54 14 (4) Performing health screenings and laboratory tests
54 15 within the pharmacist's scope of practice.
54 16 (5) Providing consultative services to address
54 17 medication=related issues, and referring the patient to the
54 18 patient's primary health care provider or other health care
54 19 professional for evaluation and additional referrals when
54 20 appropriate.
54 21 (6) Performing all necessary follow=up medication therapy
54 22 management services for the maintenance and support of the
54 23 patient as recommended by the patient's primary health care
54 24 provider or other health care professional.
54 25 (7) Maintaining all necessary documentation, including the
54 26 following and any other records required for compliance with
54 27 state and federal laws and regulations requiring maintenance
54 28 of patient records:
54 29 (a) Patient demographics and basic identifying
54 30 information.
54 31 (b) Pertinent patient=reported subjective information.
54 32 (c) Objective observations regarding known allergies,
54 33 diseases, conditions, laboratory results, vital signs,
54 34 diagnostic signs, physical exam results, and a review of
54 35 internal systems.

Senate File 48 - Introduced continued

55 1 (d) An assessment of medication=related problems.
55 2 (e) A care plan.
55 3 (f) Any collaborative communications with the primary
55 4 health care provider and other health care professionals.
55 5 (g) Patient=centric lists of actions to be followed in
55 6 tracking progress in medication self=management.
55 7 (h) Any relevant transition plan or scheduling of
55 8 follow=up visits.
55 9 (i) Billing information, including level of patient care,
55 10 level of complexity, and charges.
55 11 c. "Medication therapy review" means any of the following:
55 12 (1) Interviewing the patient to gather data, including
55 13 demographic information, general health and activity status,
55 14 medical history, medication history, immunization history, and
55 15 the patient's personal statement about the patient's disease
55 16 or condition and medication use.
55 17 (2) Performing necessary clinical assessments of the
55 18 patient's health status, including current or previous
55 19 diseases or conditions.
55 20 (3) Assessing patient values, preferences, quality of
55 21 life, goals of therapy, cultural issues, education level,
55 22 language barriers, literacy level, and other characteristics
55 23 affecting the patient's communication skills that could affect
55 24 patient outcomes.
55 25 (4) Assessing, identifying, prioritizing, and developing a
55 26 plan for resolving medication=related problems pertaining to
55 27 the clinical appropriateness of each medication, the
55 28 appropriateness of the dosage of each medication, including
55 29 considerations of indications, contra=indications, and
55 30 potential adverse effects, adherence to regimen, untreated
55 31 diseases or conditions, medication costs, and provider access
55 32 considerations.
55 33 (5) Providing education and training on the appropriate
55 34 use of medications and medical devices.
55 35 (6) Coaching patients to manage their own medications.

Senate File 48 - Introduced continued

56 1 (7) Evaluating the patient's ability to detect symptoms
56 2 that could be attributed to adverse reactions or interactions
56 3 from medications.
56 4 (8) Interpreting, monitoring, and assessing the patient's
56 5 laboratory results for those laboratory test results provided
56 6 to a pharmacist.
56 7 (9) Monitoring and evaluating the patient's responses to
56 8 medication therapies, including the safety and effectiveness
56 9 of those therapies.
56 10 (10) Communicating appropriate information to the
56 11 patient's primary health care provider or other health care
56 12 professional, including consultation on the selection of
56 13 medications, suggestions to address identified medication
56 14 problems, updates on the patient's progress, and recommended
56 15 follow=up care.
56 16 2. Notwithstanding the uniformity of treatment
56 17 requirements of section 514C.6, a person who provides an
56 18 individual or group policy of accident or health insurance or
56 19 individual or group hospital or health care service contract
56 20 issued pursuant to chapter 509, 509A, 514, or 514A, or an
56 21 individual or group health maintenance organization contract
56 22 issued and regulated under chapter 514B, which is delivered,
56 23 amended, or renewed on or after July 1, 2009, and which
56 24 provides pharmaceutical benefits, shall provide coverage
56 25 benefits for medication therapy management in accordance with
56 26 rules adopted by the commissioner of insurance.
56 27 3. The commissioner, in consultation with the director of
56 28 public health and the medication therapy management advisory
56 29 committee established in section 155A.43, shall adopt rules in
56 30 accordance with chapter 17A regarding coverage benefits for
56 31 medication therapy management based upon all of the following:
56 32 a. The amount reimbursed under the coverage benefit shall
56 33 be calculated using quarter=hourly rates. The reimbursement
56 34 shall be an amount separate from the reimbursement for a
56 35 prescription drug product or dispensing services to any

Senate File 48 - Introduced continued

57 1 pharmacist participating under the policy or contract.
57 2 b. Medication therapy management shall be a covered
57 3 benefit if provided to any of the following:
57 4 (1) An individual taking four or more prescription drugs
57 5 to treat or prevent two or more chronic medical conditions.
57 6 (2) An individual with a prescription drug therapy problem
57 7 who is identified by the patient's primary health care
57 8 provider or other health care provider and referred to a
57 9 pharmacist for medication therapy management services.
57 10 (3) An individual who meets other criteria established by
57 11 the commissioner by rule in consultation with the director of
57 12 public health and the medication therapy management advisory
57 13 committee.
57 14 c. Medication therapy management shall be a covered
57 15 benefit if provided by a pharmacist who meets all of the
57 16 following criteria:
57 17 (1) Holds a valid and current license issued by the board
57 18 of pharmacy.
57 19 (2) Is a graduate of an accredited school of pharmacy.
57 20 (3) Is trained in pharmaceutical care and medication
57 21 therapy management.
57 22 (4) Has developed a structured patient care process as
57 23 specified by rule.
57 24 (5) Maintains appropriate documentation that meets
57 25 requirements for outcomes analysis and patient care as
57 26 specified by rule.
57 27 EVIDENCE=BASED PRESCRIPTION DRUG EDUCATION PROGRAM
57 28 Sec. 43. NEW SECTION. 155B.1 DEFINITIONS.
57 29 As used in this chapter, unless the context otherwise
57 30 requires:
57 31 1. "Department" means the department of public health.
57 32 2. "Prescription drug" means prescription drug as defined
57 33 in section 155A.3.
57 34 Sec. 44. NEW SECTION. 155B.2 EVIDENCE=BASED PRESCRIPTION
57 35 DRUG EDUCATION PROGRAM.

Senate File 48 - Introduced continued

58 1 1. The department shall establish and administer an
58 2 evidence=based prescription drug education program designed to
58 3 provide health care professionals who are licensed to
58 4 prescribe or dispense prescription drugs with information and
58 5 education regarding the therapeutic and cost=effective
58 6 utilization of prescription drugs.
58 7 2. a. In establishing and administering the program, the
58 8 department shall request input and collaboration from
58 9 physicians, pharmacists, private insurers, hospitals, pharmacy
58 10 benefits managers, the medical assistance drug utilization
58 11 review commission, medical and pharmacy schools, and other
58 12 entities providing evidence=based education to health care
58 13 professionals that are licensed to prescribe or dispense
58 14 prescription drugs.
58 15 b. The department may contract with entities conducting
58 16 independent research into the therapeutic and
58 17 cost=effectiveness of prescription drugs to provide technical
58 18 and clinical support to the department in establishing and
58 19 administering the program.
58 20 3. The department may establish and collect fees from
58 21 private payors for participation in the program. The
58 22 department may seek funding from nongovernmental health
58 23 foundations or other nonprofit charitable foundations to
58 24 establish and administer the program.
58 25 GIFTS TO HEALTH CARE PRACTITIONERS
58 26 Sec. 45. NEW SECTION. 155C.1 PURPOSES.
58 27 The purposes of this chapter are to improve the public
58 28 health and the quality of prescribing and medical decision
58 29 making; promote consumer access to information relating to
58 30 medical care, marketing, and gifts; reduce the inappropriate
58 31 influence of gifts and payments on provider medical decisions;
58 32 limit annual increases in the cost of health care; and assist
58 33 the state in its role as a purchaser of health care services
58 34 and an administrator of health care programs by enabling the
58 35 state to determine the scope of advertising and marketing

Senate File 48 - Introduced continued

59 1 costs and their effect on the cost, utilization, and delivery
59 2 of health care services.
59 3 Sec. 46. NEW SECTION. 155C.2 DEFINITIONS.
59 4 As used in this chapter, unless the context otherwise
59 5 requires:
59 6 1. "Biologic" means a biological product as defined in 42
59 7 U.S.C. } 262.
59 8 2. "Bona fide clinical trial" means any research project
59 9 that prospectively assigns human subjects to intervention and
59 10 comparison groups to study the cause and effect relationship
59 11 between a medical intervention and a health outcome.
59 12 3. "Department" means the department of administrative
59 13 services.
59 14 4. "Gift" means a payment, fee, food, entertainment,
59 15 travel, honorarium, subscription, advance, service, product
59 16 sample, subsidy, economic benefit, or anything of value
59 17 provided, unless consideration of equal or greater value is
59 18 received, and includes anything of value provided to a health
59 19 care practitioner for less than market value.
59 20 5. "Health care practitioner" means a health care
59 21 professional who is licensed to prescribe prescription drugs,
59 22 or a partnership or corporation consisting of such health care
59 23 professionals, or an officer, employee, agent, or contractor
59 24 of such a health care professional acting in the course of
59 25 employment, agency, or contract related to or supportive of
59 26 the provision of health care by the health care professional.
59 27 6. "Manufacturer" means a person engaged in the
59 28 manufacturing, preparing, propagating, compounding,
59 29 processing, packaging, repackaging, distributing, or labeling
59 30 of prescription drugs, biologics, or medical devices.
59 31 7. "Marketing" means any of the following activities
59 32 undertaken or materials or products made available to
59 33 practitioners or to the general public related to the transfer
59 34 of prescription drugs, biologics, or medical devices from the
59 35 producer or seller to the consumer or buyer:

Senate File 48 - Introduced continued

60 1 a. Advertising, publicizing, promoting, or selling a
60 2 prescription drug, biologic, or medical device through any
60 3 media or method including electronically or through the
60 4 internet.
60 5 b. Activities undertaken for the purpose of influencing
60 6 the market share of a prescription drug, biologic, or medical
60 7 device or the prescribing patterns of a prescriber, including
60 8 a detailing visit or a personal appearance.
60 9 c. Activities undertaken to evaluate or improve the
60 10 effectiveness of a sales force.
60 11 d. A brochure, media advertisement or announcement,
60 12 poster, or free sample of a prescription drug, biologic, or
60 13 medical device.
60 14 8. "Medical device" means device as defined in section
60 15 155A.3.
60 16 9. "Prescription drug" means prescription drug as defined
60 17 in section 155A.3.
60 18 10. "Significant educational, scientific, or policy=making
60 19 conference or seminar" means an educational, scientific, or
60 20 policy=making conference or seminar that meets both of the
60 21 following requirements:
60 22 a. Is accredited by the accreditation council for
60 23 continuing medical education or a comparable organization.
60 24 b. Offers continuing medical education credit, features
60 25 multiple presenters on scientific research, or is authorized
60 26 by the sponsoring association to recommend or make policy.
60 27 11. "State health care program" means a program for which
60 28 the state purchases prescription drugs, biologics, or medical
60 29 devices, including but not limited to the medical assistance
60 30 program, or a state employee, corrections, or retirement
60 31 system program.
60 32 12. "Wholesaler" means wholesaler as defined in section
60 33 155A.3.
60 34 Sec. 47. NEW SECTION. 155C.3 GIFTS TO HEALTH CARE
60 35 PRACTITIONERS PROHIBITED.

Senate File 48 - Introduced continued

61 1 1. A manufacturer or wholesaler, or a manufacturer's or
61 2 wholesaler's agent, who participates in a state health care
61 3 program shall not offer or give any gift to a health care
61 4 practitioner.
61 5 2. Notwithstanding subsection 1, the following gifts are
61 6 not prohibited but shall be disclosed pursuant to sections
61 7 155C.4 and 155C.5:
61 8 a. Payment to the sponsor of a significant educational,
61 9 scientific, or policy=making conference or seminar if the
61 10 payment is not made directly to a health care practitioner;
61 11 the payment is used solely for bona fide educational purposes;
61 12 and all conference or seminar activities are objective, free
61 13 from industry influence, and do not promote specific products.
61 14 b. Reasonable honoraria and payment of the reasonable
61 15 expenses of a health care practitioner who serves on the
61 16 faculty at a significant educational, scientific, or
61 17 policy=making conference or seminar pursuant to an explicit
61 18 contract with specific deliverables which are restricted to
61 19 scientific issues, not marketing efforts, and the content of
61 20 any presentation, including slides and written materials, are
61 21 determined by the health care practitioners.
61 22 c. Compensation for the substantial professional or
61 23 consulting services of a health care practitioner in
61 24 connection with a bona fide clinical trial pursuant to an
61 25 explicit contract with specific deliverables which are
61 26 restricted to scientific issues, not marketing efforts.
61 27 Sec. 48. NEW SECTION. 155C.4 DISCLOSURE OF EXEMPTED
61 28 GIFTS.
61 29 1. a. Annually, on or before December 1, every
61 30 manufacturer or wholesaler of prescription drugs, biologics,
61 31 or medical devices that participates in a state health care
61 32 program shall disclose to the department, the value, nature,
61 33 purpose, and recipient of any gift not prohibited in section
61 34 155C.3, which is provided by the manufacturer or wholesaler,
61 35 directly or through its agents, to any health care

Senate File 48 - Introduced continued

62 1 practitioner or any other person in this state authorized to
62 2 prescribe, dispense, or purchase prescription drugs,
62 3 biologics, or medical devices in this state.
62 4 b. For each expenditure, the manufacturer or wholesaler
62 5 shall also identify the recipient and the recipient's address,
62 6 credentials, institutional affiliation, and state board or
62 7 drug enforcement agency numbers.
62 8 2. Each manufacturer or wholesaler subject to the
62 9 provisions of this section shall also disclose to the
62 10 department the name and address of the individual responsible
62 11 for the manufacturer's or wholesaler's compliance with this
62 12 section, or if this information has been previously reported,
62 13 any changes in the name or address of the individual
62 14 responsible for the manufacturer's or wholesaler's compliance
62 15 with this section.
62 16 3. The report shall be accompanied by payment of a fee, to
62 17 be established by rule of the department, to defray
62 18 administrative costs.
62 19 4. The department shall make all disclosed data publicly
62 20 available and easily searchable on its internet site.
62 21 Sec. 49. NEW SECTION. 155C.5 ADVERTISING AND MARKETING
62 22 EXPENDITURE REPORTING.
62 23 1. Annually, on or before December 1, every manufacturer
62 24 or wholesaler of prescription drugs, biologics, or medical
62 25 devices that participates in a state health care program shall
62 26 submit to the department a report on advertising and marketing
62 27 expenditures.
62 28 2. The report shall be in the form and manner required by
62 29 the department and accompanied by payment of a fee, as
62 30 established by rule of the department.
62 31 3. The annual report required by this section shall
62 32 include all of the following information as it pertains to
62 33 marketing activities conducted within this state in a form
62 34 that provides the value, nature, purpose, and recipients of
62 35 the expense of marketing activities:

Senate File 48 - Introduced continued

63 1 a. Information on gifts reported under section 155C.4.
63 2 b. All other expenses, whether direct or indirect,
63 3 associated with advertising, marketing, and promotion of
63 4 prescription drugs, biologics, and medical devices including
63 5 but not limited to all of the following:
63 6 (1) Expenses associated with radio, television, magazines,
63 7 newspapers, direct mail, and telephone communications as they
63 8 pertain to residents of this state, including a reasonable
63 9 estimate of the value of expenses associated with advertising
63 10 purchased for a regional or national market that includes
63 11 advertising within this state.
63 12 (2) Any other expenses relating to the indirect promotion
63 13 of prescription drugs, biologics, and medical devices in this
63 14 state including but not limited to support of independent or
63 15 continuing medical education programs, including payments to
63 16 medical education companies; design, printing, and production
63 17 costs of patient education materials and disease management
63 18 materials distributed within this state; consulting fees and
63 19 expenses, participation in speakers' bureaus, and honoraria or
63 20 other payments for speaking at or attending meetings,
63 21 lectures, or conferences; writing articles or publications;
63 22 charitable grants, either directly or earmarked, even if
63 23 unrestricted; product samples if allowed; and market research
63 24 surveys or other activities undertaken in support of
63 25 developing advertising or marketing strategies.
63 26 (3) The aggregate cost of all employees or contractors of
63 27 the manufacturer, wholesaler, or labeler who directly or
63 28 indirectly engage in the advertising or promotional activities
63 29 listed in subparagraphs (1) and (2), including all forms of
63 30 payment to those employees or contractors. The costs reported
63 31 under this subparagraph shall reflect only that portion of
63 32 payment to employees or contractors that pertains to
63 33 activities within this state or to recipients of the
63 34 advertising or promotional activities who are residents of or
63 35 are employed in this state.

Senate File 48 - Introduced continued

64 1 4. Each manufacturer or wholesaler subject to the
64 2 provisions of this section shall also disclose to the
64 3 department the name and address of the individual responsible
64 4 for the manufacturer's or wholesaler's compliance with this
64 5 section, or if this information has been previously reported,
64 6 any changes to the name or address of the individual
64 7 responsible for the manufacturer's or wholesaler's compliance
64 8 with the provisions of this section.
64 9 Sec. 50. NEW SECTION. 155C.6 DEPARTMENTAL REPORTS.
64 10 The department shall provide an annual report to the
64 11 governor and the general assembly on or before January 15,
64 12 containing an analysis of the data submitted to the department
64 13 under section 155C.4 and 155C.5. The report shall include all
64 14 of the following:
64 15 1. Information on gifts required to be disclosed under
64 16 section 155C.4, which shall be presented in aggregate form and
64 17 by selected types of health care practitioners or individual
64 18 health care practitioners, as prioritized each year by the
64 19 department and analyzed to determine whether prescribing
64 20 patterns by these health care practitioners reimbursed by the
64 21 state health care programs may reflect manufacturer's or
64 22 wholesaler's influence.
64 23 2. Information on all marketing activities, whether direct
64 24 or indirect, including the scope of prescription drug,
64 25 biologics, and medical device marketing activities and
64 26 expenses and their effect on the cost, utilization, and
64 27 delivery of health care services and any recommendations with
64 28 regard to marketing activities of prescription drug,
64 29 biologics, and medical device manufacturers or wholesalers.
64 30 3. Information on violations and enforcement actions
64 31 brought pursuant to this chapter.
64 32 Sec. 51. NEW SECTION. 155C.7 PUBLIC RECORDS.
64 33 1. The information required to be submitted pursuant to
64 34 sections 155C.4 and 155C.5, and the data and reports compiled
64 35 by the department pursuant to section 155C.6, are public

Senate File 48 - Introduced continued

65 1 records.
65 2 2. Notwithstanding any other provision of law to the
65 3 contrary, the identity of health care practitioners and other
65 4 recipients of gifts, payments, and materials required to be
65 5 reported in this section do not constitute confidential
65 6 information or trade secrets.
65 7 Sec. 52. NEW SECTION. 155C.8 ENFORCEMENT == RULES.
65 8 1. The department may bring an action for injunctive
65 9 relief, costs, and attorneys fees, and to impose a civil
65 10 penalty of no more than ten thousand dollars per violation on
65 11 a manufacturer or wholesaler that fails to comply with any
65 12 provision of this chapter.
65 13 2. The department shall adopt rules as necessary to
65 14 administer this chapter.
65 15 DATA MINING
65 16 Sec. 53. NEW SECTION. 155D.1 PURPOSES.
65 17 The purposes of this chapter are the following:
65 18 1. To safeguard the confidentiality of prescribing
65 19 information, protect the integrity of the doctor=patient
65 20 relationship, maintain the integrity and public trust in the
65 21 medical profession, combat vexatious and harassing sales
65 22 practices, restrain undue influence exerted by pharmaceutical
65 23 industry marketing representatives over prescribing decisions,
65 24 and further the state interest in improving the quality and
65 25 lowering the cost of health care.
65 26 2. To ensure the confidentiality of data held by a state
65 27 agency which could be used directly or indirectly to identify
65 28 a patient or a health care professional licensed to prescribe
65 29 drugs, biologics, or medical devices.
65 30 3. To ensure compliance with federal Medicaid law and
65 31 regulations prohibiting the disclosure and use of Medicaid
65 32 data except to administer the Medicaid program, and to ensure
65 33 that data held by the department of human services or its
65 34 agents that could directly or indirectly identify patients or
65 35 health care professionals licensed to prescribe products be

66 1 kept confidential.
66 2 4. To regulate the monitoring of prescribing practices
66 3 solely for commercial marketing purposes by entities selling
66 4 prescribed products, and not to regulate monitoring for other
66 5 uses, such as quality control, research unrelated to
66 6 marketing, or use by governments or other entities not in the
66 7 business of selling health care products.
66 8 Sec. 54. NEW SECTION. 155D.2 DEFINITIONS.
66 9 As used in this chapter, unless the context otherwise
66 10 requires:
66 11 1. "Biologic" means a biological product as defined in 42
66 12 U.S.C. } 262.
66 13 2. "Bona fide clinical trial" means a research project
66 14 that prospectively assigns human subjects to intervention and
66 15 comparison groups to study the cause and effect relationship
66 16 between a medical intervention and a health outcome.
66 17 3. "Individual identifying information" means information
66 18 which directly or indirectly identifies a prescriber or a
66 19 patient, and the information is derived from or relates to a
66 20 prescription for any prescribed product.
66 21 4. "Marketing" means an activity by a company or an agent
66 22 of the company making or selling prescribed products intended
66 23 to influence prescribing or purchasing choices of the
66 24 company's prescribed products, including but not limited to
66 25 any of the following:
66 26 a. Advertising, publicizing, promoting, or sharing
66 27 information about a prescribed product.
66 28 b. Identifying individuals to receive a message promoting
66 29 use of a particular prescribed product, including but not
66 30 limited to an advertisement, brochure, or contact by a sales
66 31 representative.
66 32 c. Planning the substance of a sales representative visit
66 33 or communication or the substance of an advertisement or other
66 34 promotional message or document.
66 35 d. Evaluating or compensating sales representatives.

Senate File 48 - Introduced continued

67 1 e. Identifying individuals to receive any form of gift,
67 2 product sample, consultancy, or any other item, service,
67 3 compensation, or employment of value.
67 4 f. Advertising or promoting prescribed products directly
67 5 to patients.
67 6 5. "Medicaid program" means the medical assistance program
67 7 administered as specified under chapter 249A.
67 8 6. "Pharmacy" means pharmacy as defined in section 155A.3.
67 9 7. "Prescription drug" means prescription drug as defined
67 10 in section 155A.3.
67 11 8. "Prescribed product" means a biologic, prescription
67 12 drug, or a medical device.
67 13 9. "Prescriber" means a health care practitioner who is
67 14 licensed to prescribe prescription drugs, biologics, or
67 15 medical devices in this state.
67 16 10. "Regulated record" means information or documentation
67 17 from a prescription written by a prescriber doing business in
67 18 this state or a prescription dispensed in this state.
67 19 11. "State health care program" means a program for which
67 20 the state purchases prescribed products, including but not
67 21 limited to a state employee, corrections, or retirement system
67 22 program, but does not include the medical assistance program.
67 23 Sec. 55. NEW SECTION. 155D.3 PRIVACY PROVISIONS.
67 24 1. a. A person, including a state health care program,
67 25 shall not knowingly disclose or use regulated records that
67 26 include individual identifying information for the marketing
67 27 of a prescribed product.
67 28 b. The department of human services shall ensure that the
67 29 department, its employees, and agents, comply with the
67 30 limitations on redisclosure or use of medical assistance
67 31 program prescription information as provided for under state
67 32 and federal law and applicable federal regulations, and shall
67 33 have policies and procedures to ensure compliance with such
67 34 state and federal laws and federal regulations.
67 35 2. a. Regulated records containing individual identifying

Senate File 48 - Introduced continued

68 1 information may be disclosed, sold, transferred, exchanged, or
68 2 used only for nonmarketing purposes including but not limited
68 3 to:
68 4 (1) Activities related to filling a valid prescription,
68 5 including but not limited to the dispensing of a prescribed
68 6 product to a patient or to the patient's authorized
68 7 representative; the transmission of regulated record
68 8 information between an authorized prescriber and a pharmacy;
68 9 the transfer of regulated record information between
68 10 pharmacies; the transfer of regulated records that may occur
68 11 if pharmacy ownership is changed or transferred and pharmacy
68 12 reimbursement.
68 13 (2) Law enforcement purposes as otherwise authorized or
68 14 required by statute or court order.
68 15 (3) Research including but not limited to bona fide
68 16 clinical trials, postmarketing surveillance research, product
68 17 safety studies, population=based public health research, and
68 18 research regarding the effects of health care practitioner
68 19 prescribing practices, and statistical reports if individual
68 20 identifing information is not published, redisclosed, or used
68 21 to identify or contact individuals.
68 22 (4) Product safety evaluations, product recalls and
68 23 specific risk management plans, as identified or requested by
68 24 the federal food and drug administration, or its successor
68 25 agency.
68 26 (5) Pharmacy reimbursement, formulary compliance, case
68 27 management related to the diagnosis, treatment, or management
68 28 of illness for a specific patient, including but not limited
68 29 to care management educational communications provided to a
68 30 patient about the patient's health condition, adherence to a
68 31 prescribed course of therapy, or other information about the
68 32 product being dispensed, treatment options, or clinical
68 33 trials.
68 34 (6) Utilization review by the state, by a health care
68 35 provider, or by the patient's insurance provider for health

Senate File 48 - Introduced continued

69 1 care services, including but not limited to determining
69 2 compliance with the terms of coverage or medical necessity.
69 3 (7) The collection and analysis of product utilization
69 4 data for health care quality improvement purposes, including
69 5 but not limited to development of evidence=based treatment
69 6 guidelines or health care performance effectiveness and
69 7 efficiency measures, promoting compliance with evidence=based
69 8 treatment guidelines or health care performance measures, and
69 9 providing prescribers with information that details their
69 10 practices relative to their peers to encourage prescribing
69 11 consistent with evidence=based practice.
69 12 (8) The collection and dissemination of product
69 13 utilization data to promote transparency in evaluating
69 14 performance related to the health care quality improvement
69 15 measures.
69 16 (9) The transfer of product utilization data to and
69 17 through secure electronic health record or personal health
69 18 record systems.
69 19 (10) Use by any government agency or government agency
69 20 sponsored program in carrying out its functions, or by any
69 21 private person acting on behalf of a federal, state, or local
69 22 agency in carrying out its functions.
69 23 (11) Use in connection with any civil, criminal,
69 24 administrative, or arbitral proceeding in any federal, state,
69 25 or local court or agency or before any self=regulatory body,
69 26 including but not limited to the service of process,
69 27 investigation in anticipation of litigation, and the execution
69 28 or enforcement of judgments and orders, or pursuant to an
69 29 order of a federal, state, or local court.
69 30 b. An authorized recipient of regulated records containing
69 31 individual identifying information may resell, reuse, or
69 32 redisclose the information only as permitted under paragraph
69 33 "a".
69 34 c. An authorized recipient that resells, reuses, or
69 35 rediscloses individual identifying information covered by this

Senate File 48 - Introduced continued

70 1 chapter shall maintain for a period of five years, records
70 2 identifying each person or entity that receives the
70 3 information and the permitted purpose for which the
70 4 information will be used. The authorized recipient shall make
70 5 such records available to any person upon request.
70 6 3. This section shall not be interpreted to prohibit
70 7 conduct involving the collection, use, transfer, or sale of
70 8 regulated records for marketing purposes if all of the
70 9 following conditions apply:
70 10 a. The data is aggregated.
70 11 b. The data does not contain individually identifying
70 12 information.
70 13 c. There is no reasonable basis to believe that the data
70 14 can be used to obtain individually identifying information.
70 15 4. This section shall not prevent any person from
70 16 disclosing individual identifying information to the
70 17 identified individual if the information does not include
70 18 protected information pertaining to any other person.
70 19 Sec. 56. NEW SECTION. 155D.4 CIVIL PENALTY ==
70 20 ENFORCEMENT == RULEMAKING.
70 21 1. Any person who knowingly fails to comply with the
70 22 requirements of this chapter or rules adopted pursuant to this
70 23 chapter by using or disclosing regulated records in a manner
70 24 not authorized by this chapter or rules adopted pursuant to
70 25 this chapter is subject to a civil penalty of not more than
70 26 fifty thousand dollars per violation. Each disclosure of a
70 27 regulated record constitutes a separate violation.
70 28 2. The attorney general shall enforce payment of penalties
70 29 assessed under this section.
70 30 3. The board of pharmacy shall adopt rules to administer
70 31 this chapter including the assessment of penalties under this
70 32 section.
70 33 Sec. 57. NEW SECTION. 155D.5 CONSUMER FRAUD.
70 34 A violation of this chapter is an unfair or deceptive act
70 35 in trade or commerce and an unfair method of competition under

Senate File 48 - Introduced continued

71 1 the consumer fraud Act, section 714.16.
71 2 PHARMACY BENEFITS MANAGEMENT
71 3 Sec. 58. NEW SECTION. 510B.8 DISCLOSURE OF REVENUES
71 4 RECEIVED FROM PHARMACEUTICAL MANUFACTURER OR LABELER UNDER
71 5 CONTRACT == CONTENT FEES.
71 6 1. A covered entity may request that any pharmacy benefits
71 7 manager with which it has a contract for pharmacy benefits
71 8 management disclose to the covered entity each pharmaceutical
71 9 manufacturer or labeler with whom the pharmacy benefits
71 10 manager has a contract. The pharmacy benefits manager shall
71 11 disclose all of the following in writing:
71 12 a. The aggregate amount and, for a list of drugs to be
71 13 specified in the contract, the specific amount of all rebates
71 14 and other retrospective utilization discounts received by the
71 15 pharmacy benefits manager from the pharmaceutical manufacturer
71 16 or labeler that is earned in connection with the dispensing of
71 17 prescription drugs to covered individuals under health care
71 18 coverage provisions by the covered entity or for which the
71 19 covered entity is the designated administrator.
71 20 b. The nature, type, and amount of all other revenue
71 21 received by the pharmacy benefits manager directly or
71 22 indirectly from each pharmaceutical manufacturer or labeler
71 23 for any other products or services provided by the pharmacy
71 24 benefits manager with respect to programs that the covered
71 25 entity contracts with the pharmacy benefits manager to provide
71 26 to its covered individuals.
71 27 c. Any prescription drug utilization information requested
71 28 by the covered entity relating to covered individuals.
71 29 2. A pharmacy benefits manager shall provide the
71 30 information requested by the covered entity for such
71 31 disclosure within thirty days of receipt of a request. If
71 32 requested, the information shall be provided at least once
71 33 each year. The contract entered into between the pharmacy
71 34 benefits manager and the covered entity shall specify any fees
71 35 to be charged for drug utilization information requested by

Senate File 48 - Introduced continued

72 1 the covered entity.
72 2 DIVISION VIII
72 3 HEALTH CARE TRANSPARENCY
72 4 Sec. 59. HEALTH CARE DATA == COLLECTION FROM HOSPITALS.
72 5 The department of public health shall adopt rules pursuant to
72 6 1996 Iowa Acts, chapter 1212, section 5, subsection 1,
72 7 paragraph "a", subparagraph (4), to direct hospitals to submit
72 8 data to the Iowa healthcare collaborative as defined in
72 9 section 135.40, which shall serve as the intermediary for the
72 10 department in collecting inpatient, outpatient, and ambulatory
72 11 information from hospitals.
72 12 Sec. 60. HEALTH CARE DATA == PLAN FOR COLLECTION FROM
72 13 HEALTH CARE PROVIDERS. The Iowa healthcare collaborative, as
72 14 defined in section 135.40, shall develop a plan for the
72 15 collection, analysis, and publishing of clinical data from
72 16 physicians and health care providers other than hospitals.
72 17 The plan shall address the feasibility of a physician
72 18 all=payer database to allow collection of claims data from all
72 19 private and public payors of physicians.
72 20 Sec. 61. COORDINATION OF HEALTH CARE EFFORTS. The Iowa
72 21 healthcare collaborative, as defined in section 135.40, shall
72 22 provide support to the electronic health information advisory
72 23 council established pursuant to section 135.156, the medical
72 24 home system advisory council established pursuant to section
72 25 135.159, the prevention and chronic care management initiative
72 26 advisory council established pursuant to section 135.161, the
72 27 clinicians advisory panel established pursuant to section
72 28 135.162, and the medical assistance quality improvement
72 29 council established pursuant to section 249A.36, as follows:
72 30 1. To provide direction in promoting and coordinating
72 31 quality, safety, and value improvement collaborative efforts
72 32 among the health care providers involved in the various
72 33 initiatives described in this section.
72 34 2. To provide support to the health care providers
72 35 involved in the various initiatives described in this section

Senate File 48 - Introduced continued

73 1 to develop their understanding of the requirements established
73 2 by the initiatives and to enable the effective execution of
73 3 the strategies developed by each initiative.
73 4 EXPLANATION
73 5 DIVISION I. IOWA HEALTH CARE COVERAGE PARTNERSHIP PROGRAM.
73 6 Division I of this bill establishes the Iowa health care
73 7 coverage partnership program in the department of
73 8 administrative services (DAS). The program allows employees,
73 9 public officials, and retired employees of a nonstate public
73 10 employer, and employees of a nonprofit employer, or small
73 11 employer to be considered state employees for the purpose of
73 12 enrolling in a state health or medical group insurance plan
73 13 provided to state employees by DAS and requires such
73 14 participating employees and public officials to be pooled with
73 15 state employees in the state plan. In order to be eligible to
73 16 participate in the partnership program, an employer must apply
73 17 for the coverage and all employees and public officials of
73 18 such an employer must agree to enroll in a state health or
73 19 medical insurance plan. Employees and public officials of
73 20 such employers receive health coverage under the same
73 21 conditions as state employees and shall not be denied coverage
73 22 on the basis of risk, cost, preexisting conditions, or other
73 23 factors not applicable to state employees.
73 24 Premium payments for coverage received through the program
73 25 must be the same as for state employees, including any
73 26 premiums paid by state employees, except that premium rates
73 27 for coverage for employees of small businesses may reflect
73 28 characteristics applicable to small group insurance pursuant
73 29 to Code section 513B.4. An employer must participate in the
73 30 partnership program for at least three years.
73 31 DAS is required to collaborate with the Iowa choice
73 32 insurance exchange to develop and procure coverage to be
73 33 offered through the partnership program that meets minimum
73 34 standards of quality and affordability and to implement and
73 35 administer the program. DAS is not required to offer coverage

Senate File 48 - Introduced continued

74 1 through the partnership program from every vendor providing
74 2 coverage under the state plan, and may procure coverage from
74 3 different vendors and offer different insurance plans than
74 4 those available to state employees.
74 5 Each employer who participates in the Iowa health care
74 6 coverage partnership program must pay monthly premium amounts
74 7 for coverage to DAS, plus administrative fees calculated on a
74 8 per=month basis per employee or official. An employer may
74 9 require each covered employee or official to contribute a
74 10 portion of the cost of such coverage under the state plan,
74 11 subject to any collective bargaining obligations. The
74 12 payments are to be deposited in the health insurance
74 13 administration fund created in Code section 8A.454 for state
74 14 employee premium payments, but separately accounted for and
74 15 expended for coverage being provided pursuant to the
74 16 partnership program.
74 17 If monthly premium payments are not made, DAS may charge
74 18 interest on the unpaid balance. If a nonstate public employer
74 19 fails to make premium payments, DAS may direct the treasurer
74 20 of state to withhold grants, allocations, or appropriations
74 21 payable to the nonstate public employer, until the premium
74 22 payments are made. If a nonprofit employer or small employer
74 23 fails to make premium payments, DAS may terminate
74 24 participation of that employer's employees in the state plan
74 25 and request the attorney general to recover the unpaid premium
74 26 and interest costs.
74 27 For purposes of the program, a "nonstate public employer"
74 28 is a political subdivision of the state, including but not
74 29 limited to counties, cities, community colleges, and
74 30 quasi=public agencies but not school districts. A "nonprofit
74 31 employer" is a corporation organized or recognized as a
74 32 nonprofit corporation under state or federal law. A "small
74 33 employer" is an entity with 1 to 50 full=time employees, the
74 34 majority of whom are employed in the state.
74 35 DIVISION II. IOWA CHOICE INSURANCE EXCHANGE. Division II

Senate File 48 - Introduced continued

75 1 of the bill contains new Code chapter 514M. The purpose of
75 2 the chapter is to ensure that all children and all other
75 3 Iowans in the state have affordable, quality health care
75 4 coverage, and to decrease health care costs and health care
75 5 coverage costs.
75 6 The bill creates the Iowa choice insurance exchange as a
75 7 nonprofit corporation under the aegis of the insurance
75 8 division of the department of commerce. All health and
75 9 accident insurance carriers, all organized delivery systems
75 10 licensed by the department of public health to provide health
75 11 insurance or health care services in Iowa, and all other
75 12 insurers designated by the exchange are members of the
75 13 exchange.
75 14 The exchange is required to exercise its powers through a
75 15 board of directors. The board of directors consists of 10
75 16 voting members representative of specified constituencies
75 17 appointed by the governor and subject to confirmation by the
75 18 senate, and eight nonvoting members including four members of
75 19 the general assembly. The voting members of the board are
75 20 required to appoint an executive director of the exchange and
75 21 the governor is required to appoint a secretary of the board,
75 22 with both appointments subject to confirmation by the senate.
75 23 The exchange is required to submit a plan of operation to
75 24 the commissioner of insurance. At the end of each year the
75 25 exchange is required to determine its net premiums and
75 26 payments received, the expenses of administration, and
75 27 incurred losses and to recover any losses by assessing all
75 28 members of the exchange as specified in the bill.
75 29 The exchange is charged with developing a comprehensive
75 30 health care coverage plan to accomplish the purposes of the
75 31 new Code chapter including access to public or private health
75 32 care coverage for all Iowans, especially children, which may
75 33 be subsidized or unsubsidized, depending on family income.
75 34 The exchange is also required to design and implement a
75 35 health care coverage program called Iowa choice, which offers

Senate File 48 - Introduced continued

76 1 private health care coverage that meets certain minimum
76 2 standards of quality and affordability with options to
76 3 purchase at least three levels of benefits, and to design and
76 4 administer a subsidy program for payment of premiums for
76 5 health care coverage for low=income people that complements
76 6 Medicaid and includes cost=sharing by the insured using a
76 7 sliding scale based on income utilizing the federal poverty
76 8 level guidelines.
76 9 The Iowa choice insurance exchange pool is created in the
76 10 state treasury as a separate fund under the control of the
76 11 exchange to be credited with all moneys collected from
76 12 premiums paid for health care plans offered by the exchange,
76 13 and any other funds that are appropriated or transferred to
76 14 the pool. These funds are appropriated to the exchange to
76 15 accomplish the purposes set forth in new Code chapter 514M.
76 16 The board of the exchange is also required to design and
76 17 implement a program to protect the health of all Iowans, that
76 18 includes a timetable and procedures for implementation, to
76 19 ensure that all children and adults in the state have health
76 20 care coverage, to assign and enroll children without such
76 21 coverage to appropriate coverage, and to collaborate with
76 22 members of the exchange to institute health insurance reforms.
76 23 COORDINATING AMENDMENTS. Coordinating amendments are made
76 24 in Code chapter 514E by removing duties and powers from the
76 25 Iowa comprehensive health insurance association which are now
76 26 assigned to the Iowa choice insurance exchange and repealing a
76 27 provision creating the Iowa choice health care coverage
76 28 advisory council.
76 29 DIVISION III. HEALTH CARE COVERAGE OF ADULT CHILDREN.
76 30 Code section 422.7 is amended to provide that if the health
76 31 benefits coverage or insurance of an Iowa taxpayer includes
76 32 coverage of a nonqualified tax dependent as determined by the
76 33 federal internal revenue service, the amount of the value of
76 34 that coverage is not subject to state income tax. This
76 35 amendment applies retroactively to January 1, 2009.

Senate File 48 - Introduced continued

77 1 Code section 509.3(8), relating to group health insurance,
77 2 Code section 509A.13B, relating to group health insurance for
77 3 public employees, and Code section 514A.3B(2), relating to
77 4 individual policies of health insurance, are amended to
77 5 require that adult children who are unmarried, residents of
77 6 this state and up to 25 years of age, or who are full=time
77 7 students, be allowed to reenroll in previously existing
77 8 dependent coverage of their parents. Currently, those
77 9 provisions only allow continuation of such existing coverage.
77 10 DIVISION IV. MEDICAL ASSISTANCE AND HAWK=I PROVISIONS.
77 11 Division IV of this bill includes provisions relating to the
77 12 medical assistance (Medicaid) and hawk=i programs.
77 13 The division directs the department of human services (DHS)
77 14 to provide state=only funded medical assistance or hawk=i
77 15 coverage, as appropriate, to individuals under 19 years of age
77 16 who meet income eligibility requirements under the respective
77 17 program. The division also directs DHS to take such actions
77 18 as may be necessary to ensure the receipt of federal financial
77 19 participation under the Medicaid program or state children's
77 20 health insurance program and any other federal funding sources
77 21 that may become available in the future to provide coverage to
77 22 these populations.
77 23 The division amends the income tax provision for reporting
77 24 of a dependent child's health care coverage status to require,
77 25 beginning with the tax returns for tax year 2009, that a
77 26 person who files an individual or joint income tax return
77 27 indicate the presence or absence of health care coverage for
77 28 each dependent child for whom an exemption is claimed. If the
77 29 taxpayer indicates that a dependent child does not have health
77 30 care coverage and the income of the taxpayer's tax return does
77 31 not exceed the highest level of income eligibility standard
77 32 for the Medicaid or hawk=i program, the department of revenue
77 33 is required to send a notice to the taxpayer that the
77 34 dependent child may be eligible for these programs and to
77 35 provide information to the taxpayer about how to enroll the

Senate File 48 - Introduced continued

78 1 dependent child in the appropriate program. The taxpayer is
78 2 then required to submit an application for the appropriate
78 3 program within 90 days of receiving the enrollment
78 4 information. The department of revenue, in cooperation with
78 5 DHS, is directed to adopt rules including rules regarding the
78 6 enforcement of the required provision of information and
78 7 required application for an appropriate program. Information
78 8 to be reported by the department of revenue includes whether a
78 9 taxpayer who claims a dependent indicates coverage or lack of
78 10 coverage for the dependent, and the number of those indicating
78 11 the absence of coverage who comply or do not comply with the
78 12 requirement for application for an appropriate program, and
78 13 any enforcement action taken.
78 14 The division provides for coverage under the Medicaid
78 15 program of a pregnant woman with a family income of up to 300
78 16 percent of the federal poverty level, beginning July 1, 2009.
78 17 The division includes provisions to improve access to and
78 18 retention in the Medicaid and hawk=i programs. The division
78 19 provides for presumptive eligibility for children under the
78 20 Medicaid and hawk=i programs beginning July 1, 2009, and for
78 21 one pay stub verification as verification of income for these
78 22 programs when it is indicative of future income. The division
78 23 also requires the Medicaid program to allow for an averaging
78 24 of three years of income for self=employed families to
78 25 establish eligibility, to extend the period for annual renewal
78 26 by members, and to implement passive renewal.
78 27 DIVISION V. VOLUNTEER HEALTH CARE PROVIDERS. Division V
78 28 of this bill expands the volunteer health care provider
78 29 program to include health care provider offices. The division
78 30 provides that a health care provider office providing free
78 31 care under the program is considered a state agency for the
78 32 sole purpose of the program and for Code chapter 669 (State
78 33 Tort Claims Act) and is to be afforded protection under Code
78 34 chapter 669 for all claims arising from the provision of free
78 35 care by a health care provider registered with the program and

Senate File 48 - Introduced continued

79 1 complying with the requirements of the program. Additionally,
79 2 a health care provider providing free care under the program
79 3 at a health care provider office is considered an employee of
79 4 the state under Code chapter 669 and is afforded protection as
79 5 an employee of the state if the health care provider is
79 6 registered with the department of public health and provides
79 7 care at the health care provider office. The division defines
79 8 "health care provider office" as the private office or clinic
79 9 of an individual health care provider or group of health care
79 10 providers but does not include a field dental clinic, a free
79 11 clinic, or a hospital.
79 12 DIVISION VI. HEALTH CARE WORKFORCE SUPPORT INITIATIVE.
79 13 Division VI of this bill establishes a health care workforce
79 14 support initiative, including a health care workforce shortage
79 15 fund.
79 16 The division creates a health care workforce shortage fund
79 17 in the state treasury as a separate fund under the control of
79 18 the college student aid commission (commission). Moneys
79 19 appropriated from the general fund of the state to the fund,
79 20 moneys received from the federal government for the purposes
79 21 of addressing the health care workforce shortage,
79 22 contributions, grants and other funds from communities and
79 23 health care employers, and moneys from any other public or
79 24 private source credited to the fund are to be deposited in the
79 25 fund. Moneys deposited in or credited to the fund are
79 26 appropriated to provide grants to support a medical residency
79 27 training grants program, a health care professional loan
79 28 repayment program, and a nurse educator forgivable loan and
79 29 nursing faculty fellowship program as established in the
79 30 division. The division provides that in any annual
79 31 appropriation from the fund, the total amount appropriated for
79 32 the medical residency training grants program shall not exceed
79 33 $11 million, the amount appropriated for the health care
79 34 professional forgivable loan program shall not exceed $3
79 35 million, and the amount appropriated for the nursing educator

Senate File 48 - Introduced continued

80 1 forgivable loan program and nursing faculty fellowship program
80 2 shall not exceed $1 million.
80 3 The division creates a health care workforce shortage
80 4 advisory council. The membership of the advisory council
80 5 consists of a representative of the departments of public
80 6 health, human services, and education, the office of the
80 7 attorney general, the university of Iowa college of medicine,
80 8 the university of Iowa hospitals and clinics, Iowa health
80 9 systems, Mercy medical center, Des Moines university ==
80 10 osteopathic medical center (DMU), the Iowa hospital
80 11 association, the Iowa medical society, and the Iowa nurses
80 12 association. The advisory council is directed to provide
80 13 oversight of the programs established under the division and
80 14 to provide recommendations to the commission regarding
80 15 administration of the programs including prioritization in the
80 16 awarding of grants, loans, and fellowships based upon data
80 17 demonstrating the specific health care provider needs in the
80 18 state. Additionally, the advisory council is directed to
80 19 provide recommendations to the commission regarding
80 20 coordination of the programs established with other health
80 21 care provider=related financial assistance programs available
80 22 in the state.
80 23 The division directs the commission to establish a medical
80 24 residency training grants program to provide grants to
80 25 sponsors of accredited graduate medical education residency
80 26 programs in the state to establish, expand, or support medical
80 27 residency training programs. The grant funds may be used to
80 28 support medical residency programs through the establishment
80 29 of new or alternative campus accredited medical residency
80 30 training programs, new residency positions within existing
80 31 accredited medical residency or fellowship training programs,
80 32 or the funding of not more than 25 total residency positions
80 33 which are in excess of the federal Medicare residency cap.
80 34 The commission is to adopt rules relating to eligibility
80 35 requirements, an application process, criteria for preference

Senate File 48 - Introduced continued

81 1 in the awarding of grants, criteria for determining the amount
81 2 of a grant, and use of the funds awarded.
81 3 The division directs the commission to establish a health
81 4 care professional forgivable loan program to assist health
81 5 care professionals in repaying outstanding education loans.
81 6 The commission is to administer the program with the
81 7 assistance of DMU, and DMU is to receive a fee for
81 8 administration of the program. The commission, with the
81 9 assistance of DMU and based on recommendations from the
81 10 advisory council, is directed to adopt rules pursuant to Code
81 11 chapter 17A relating to the establishment and administration
81 12 of the program, including rules addressing eligibility and
81 13 qualification requirements for health care professionals,
81 14 medically underserved communities, and health care employers
81 15 participating in the program, the process for awarding loans,
81 16 public awareness and dissemination of applications, the amount
81 17 of the loan repayment and the specifics of obligated service
81 18 for a loan recipient, determination of the conditions of loan
81 19 repayment applicable to an applicant, enforcement of the
81 20 state's rights under a loan repayment agreement, waiver,
81 21 suspension, or cancellation of a loan repayment agreement in
81 22 appropriate situations, and a process for monitoring
81 23 compliance with eligibility requirements, obligated service
81 24 provisions, and use of funds by program recipients. The
81 25 division also provides that a recipient in the loan repayment
81 26 program is responsible for reporting on federal income tax
81 27 forms any amount received through the program, to the extent
81 28 required by federal law. However, a recipient in compliance
81 29 with the requirements of the loan repayment program is not
81 30 subject to state income taxation for loan repayments received
81 31 through the program.
81 32 The division also directs the commission to establish two
81 33 programs under a nursing workforce shortage initiative. The
81 34 nurse educator forgivable loan program is established to
81 35 provide loan forgiveness for qualifying loans for nurse

Senate File 48 - Introduced continued

82 1 educators. A "qualifying loan" is a government or commercial
82 2 loan for actual costs paid for tuition, reasonable education
82 3 expenses, and reasonable living expenses related to the
82 4 graduate or undergraduate education of a nurse. The program
82 5 provides for payment of up to $20,000 for a qualifying loan,
82 6 if the nurse educator remains teaching in a qualifying
82 7 position for a period of not less than four consecutive
82 8 academic years. The nurse educator and the commission are
82 9 required to enter into an agreement specifying the obligations
82 10 of the nurse educator and the commission. If the nurse
82 11 educator leaves the teaching position prior to teaching for
82 12 four consecutive academic years, the nurse educator is liable
82 13 to repay the amount of the qualifying loan paid or forgiven
82 14 through the program plus interest. However, if the nurse
82 15 educator leaves the teaching position involuntarily, the nurse
82 16 educator is not liable to repay the amount paid or forgiven,
82 17 but is responsible for paying the amount remaining due on a
82 18 qualifying loan. The division directs the commission in
82 19 consultation with the advisory council to adopt rules for the
82 20 program including specifying what constitutes a qualifying
82 21 teaching position. The commission is also required to
82 22 establish a nursing faculty fellowship program to provide
82 23 funds to nursing schools in the state for fellowships for
82 24 individuals employed in qualifying positions on the nursing
82 25 faculty. The program is designed to assist nursing schools in
82 26 filling vacancies in qualifying positions throughout the
82 27 state. The commission, in consultation with the advisory
82 28 council and in cooperation with nursing schools throughout the
82 29 state, is to develop a distribution formula which provides
82 30 that no more than 30 percent of the available funds are
82 31 awarded to a single nursing school. Additionally, the program
82 32 limits funding for a qualifying position in a nursing school
82 33 to no more than $10,000 per year for up to three years. The
82 34 commission, in consultation with the advisory council, is
82 35 required to adopt rules for administration of the program

Senate File 48 - Introduced continued

83 1 including determining what constitutes a qualifying position
83 2 at a nursing school. In determining eligibility for a
83 3 fellowship, the commission is to consider the length of time a
83 4 qualifying position has gone unfilled at a nursing school,
83 5 documented recruiting efforts by a nursing school, the
83 6 geographic location of a nursing school, the type of nursing
83 7 program offered at the nursing school, and the need for the
83 8 specific nursing program in the state.
83 9 The division requires the commission to submit an annual
83 10 report to the governor and the general assembly regarding the
83 11 status of the health care workforce support initiative,
83 12 including the balance remaining in and appropriations from the
83 13 workforce shortage fund.
83 14 The division repeals sections relating to the osteopathic
83 15 physician recruitment program, which is replaced with the
83 16 health care professional loan repayment program established in
83 17 the division.
83 18 The division also directs the Code editor to create a new
83 19 division in Code chapter 261 (college student aid commission),
83 20 the health care workforce support initiative.
83 21 DIVISION VII. PHARMACEUTICAL=RELATED PROVISIONS. Division
83 22 VII of this bill includes various pharmaceutical=related
83 23 provisions.
83 24 The division includes provisions relating to medication
83 25 therapy management. The division provides for the
83 26 establishment of a medication therapy management advisory
83 27 committee, appointed by the director of public health and
83 28 comprised of three licensed pharmacists selected by the Iowa
83 29 pharmacy association, two licensed physicians, one consumer
83 30 representative, and one health insurer. The duties of the
83 31 advisory committee are to advise the director of public health
83 32 and the commissioner of insurance in the development and
83 33 administration of the medication therapy management benefit
83 34 coverage, including adoption of rules pursuant to Code chapter
83 35 17A, and to annually evaluate and submit a compilation of

Senate File 48 - Introduced continued

84 1 findings on the effect of medication therapy management on
84 2 quality of care, patient outcomes, and health coverage costs.
84 3 The advisory committee shall compile its findings on an annual
84 4 basis and submit its findings and recommendations to the
84 5 governor and the general assembly. The director of public
84 6 health may contract with an academic institution or other
84 7 appropriate entity that has expertise in evaluating health
84 8 care outcomes for the purpose of completing the evaluation.
84 9 The division also requires that a person who provides an
84 10 individual or group policy of accident or health insurance or
84 11 individual or group hospital or health care service contract
84 12 issued pursuant to Code chapter 509 (group insurance), Code
84 13 chapter 509A (group insurance for public employees), Code
84 14 chapter 514 (nonprofit health service corporations), or Code
84 15 chapter 514A (accident or health insurance), or an individual
84 16 or group health maintenance organization contract issued and
84 17 regulated under Code chapter 514B, which is delivered,
84 18 amended, or renewed on or after July 1, 2009, and which
84 19 provides pharmaceutical benefits, provide coverage benefits
84 20 for medication therapy management in accordance with rules
84 21 adopted by the commissioner of insurance. The division
84 22 specifies the parameters for adoption of rules for the
84 23 coverage benefit.
84 24 The division directs the department of public health to
84 25 establish and administer an evidence=based prescription drug
84 26 education program designed to provide health care
84 27 professionals who are licensed to prescribe or dispense
84 28 prescription drugs with information and education regarding
84 29 the therapeutic and cost=effective utilization of prescription
84 30 drugs. The division specifies the entities with which the
84 31 department is to collaborate in establishing and administering
84 32 the program including physicians, pharmacists, private
84 33 insurers, hospitals, pharmacy benefits managers, the medical
84 34 assistance drug utilization review commission, medical and
84 35 pharmacy schools, and other entities providing evidence=based

Senate File 48 - Introduced continued

85 1 education to health care professionals that are licensed to
85 2 prescribe or dispense prescription drugs. The division
85 3 authorizes the department to contract with entities to provide
85 4 technical and clinical support to the program, to establish
85 5 and collect fees from private payors for participation in the
85 6 program, and to seek funding from nongovernmental health
85 7 foundations or other nonprofit charitable foundations to
85 8 establish and administer the program.
85 9 The division prohibits gifts to health care practitioners
85 10 from manufacturers and wholesalers of prescription drugs,
85 11 biologics, and medical devices, who participate in state
85 12 health programs, with limited exceptions. The division also
85 13 requires the disclosure of information about advertising and
85 14 marketing spending, and gifts excluded from the ban, and
85 15 requires the compilation of annual reports analyzing this data
85 16 by the department of administrative services.
85 17 The division includes provisions relating to the
85 18 safeguarding of the confidentiality of prescribing information
85 19 (data mining). The division establishes purposes of the new
85 20 Code chapter (155D), including that it is the chapter's
85 21 purpose to regulate the monitoring of prescribing practices
85 22 solely for commercial marketing purposes by entities selling
85 23 prescribed products, and not to regulate monitoring for other
85 24 uses, such as quality control, research unrelated to
85 25 marketing, or use by governments or other entities not in the
85 26 business of selling health care products.
85 27 The division provides privacy protections including that a
85 28 person, including a state health care program, shall not
85 29 knowingly disclose or use regulated records that include
85 30 individual identifying information to market a prescribed
85 31 product. The division also directs the department of human
85 32 services as the Medicaid agency to ensure that the department,
85 33 its employees, and agents, comply with the limitations on
85 34 redisclosure or use of medical assistance program prescription
85 35 information as provided for under state and federal law and

Senate File 48 - Introduced continued

86 1 applicable federal regulations.
86 2 The division provides that regulated records containing
86 3 individual identifying information may be disclosed, sold,
86 4 transferred, exchanged, or used only for nonmarketing purposes
86 5 and specifies some of these nonmarketing purposes.
86 6 The division provides that it is not to be interpreted to
86 7 prohibit conduct involving the collection, use, transfer, or
86 8 sale of regulated records for marketing purposes if the data
86 9 is aggregated, the data does not contain individually
86 10 identifying information, and there is no reasonable basis to
86 11 believe that the data can be used to obtain individually
86 12 identifying information. The division does not prevent any
86 13 person from disclosing individual identifying information to
86 14 the identified individual if the information does not include
86 15 protected information pertaining to any other person.
86 16 The division provides that a person who knowingly fails to
86 17 comply with the requirements of the division or rules adopted
86 18 pursuant to the division by using or disclosing regulated
86 19 records in a manner not authorized by the division or rules
86 20 adopted under the division is subject to a civil penalty of
86 21 not more than $50,000 per violation. The division directs the
86 22 attorney general to enforce payment of penalties assessed
86 23 under the division and directs the board of pharmacy to adopt
86 24 rules to administer the division including the assessing of
86 25 penalties.
86 26 A violation of the new Code chapter may be enforced through
86 27 Iowa's consumer fraud Act.
86 28 The division includes provisions relating to pharmacy
86 29 benefits management. The division adds to the current
86 30 regulation of pharmacy benefits managers in Code chapter 510B
86 31 by including provisions relating to disclosure of revenues
86 32 received from pharmaceutical manufacturers or labelers by
86 33 pharmacy benefit managers.
86 34 DIVISION VIII. HEALTH CARE TRANSPARENCY. Division VIII of
86 35 this bill relates to health care transparency efforts. The

Senate File 48 - Introduced continued

87 1 division directs the department of public health to adopt
87 2 rules to direct hospitals to submit data to the Iowa
87 3 healthcare collaborative, which is to serve as the
87 4 department's intermediary in collecting inpatient, outpatient,
87 5 and ambulatory information from hospitals. Currently, the
87 6 rules provide for collection of this information by the Iowa
87 7 hospital association, which submits the data to the department
87 8 for publication.
87 9 The division also directs the Iowa healthcare collaborative
87 10 to develop a plan for the collection, analysis, and publishing
87 11 of clinical data from physicians and health care providers
87 12 other than hospitals. The plan is to address the feasibility
87 13 of a physician all=payer database to allow for the collection
87 14 of claims data from all public and private payors of
87 15 physicians.
87 16 The division also directs the Iowa healthcare collaborative
87 17 to provide support to a number of councils tasked with health
87 18 care reform efforts pursuant to 2008 Iowa Acts, chapter 1188.
87 19 The councils include the electronic health information
87 20 advisory council, the medical home system advisory council,
87 21 the prevention and chronic care management initiative advisory
87 22 council, the clinicians advisory panel, and the medical
87 23 assistance quality improvement council. The division directs
87 24 the collaborative to provide support by providing direction in
87 25 promoting and coordinating quality, safety, and value
87 26 improvement collaborative efforts among the health care
87 27 providers involved in the various initiatives and by providing
87 28 support to the health care providers involved in the various
87 29 initiatives to develop their understanding of the requirements
87 30 established by the initiatives and to enable the effective
87 31 execution of the strategies developed by each initiative.
87 32 LSB 1747XS 83
87 33 pf/rj/14.1

Senate File 49 - Introduced

SENATE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1049)

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

A BILL FOR

An Act relating to the administration of campaign disclosure laws.

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

TLSB 1177SV 83
jr/rj/5

Senate File 49 - Introduced continued

PAG LIN

1 1 Section 1. Section 68A.101, Code 2009, is amended to read
1 2 as follows:
1 3 68A.101 CITATION AND ADMINISTRATION.
1 4 This chapter may be cited as the "Campaign
1 5 Disclosure==Income Tax Checkoff Act". The Iowa ethics and
1 6 campaign disclosure board shall administer this chapter as
1 7 provided in sections 68B.32, 68B.32A, 68B.32B, 68B.32C, and
1 8 68B.32D.
1 9 Sec. 2. Section 68A.301, subsection 1, Code 2009, is
1 10 amended to read as follows:
1 11 1. A candidate's committee shall not accept contributions
1 12 from, or make contributions to, any other candidate's
1 13 committee including candidate's committees from other states
1 14 or for federal office, unless the candidate for whom each
1 15 committee is established is the same person. For purposes of
1 16 this section, "contributions" includes monetary and in=kind
1 17 contributions but does not include travel costs incurred by a
1 18 candidate in attending a campaign event of another candidate
1 19 and does not include the sharing of information in any format.
1 20 Sec. 3. Section 68A.303, subsection 6, Code 2009, is
1 21 amended to read as follows:
1 22 6. ~~An individual or a political committee~~ A person shall
1 23 not knowingly make transfers or contributions to a candidate
1 24 or candidate's committee for the purpose of transferring the
1 25 funds to another candidate or candidate's committee to avoid
1 26 the disclosure of the source of the funds pursuant to this
1 27 chapter. A candidate or candidate's committee shall not
1 28 knowingly accept transfers or contributions from ~~an individual~~
1 29 ~~or political committee~~ any person for the purpose of
1 30 transferring funds to another candidate or candidate's
1 31 committee as prohibited by this subsection. A candidate or
1 32 candidate's committee shall not accept transfers or
1 33 contributions which have been transferred to another candidate
1 34 or candidate's committee as prohibited by this subsection.
1 35 The board shall notify candidates of the prohibition of such

Senate File 49 - Introduced continued

2 1 transfers and contributions under this subsection.
2 2 Sec. 4. Section 68A.402, subsection 1, Code 2009, is
2 3 amended to read as follows:
2 4 1. FILING METHODS. Each committee shall file with the
2 5 board reports disclosing information required under this
2 6 section on forms prescribed by rule. ~~Reports~~ Except as set
2 7 out in section 68A.401, reports shall be filed on or before
2 8 the required due dates by using any of the following methods:
2 9 mail bearing a United States postal service postmark,
2 10 hand=delivery, facsimile transmission, electronic mail
2 11 attachment, or electronic filing as prescribed by rule. Any
2 12 report that is required to be filed five days or less prior to
2 13 an election must be physically received by the board to be
2 14 considered timely filed. For purposes of this section,
2 15 "physically received" means the report is either
2 16 electronically filed using the board's electronic filing
2 17 system or is received by the board prior to 4:30 p.m. on the
2 18 report due date.
2 19 Sec. 5. Section 68A.402A, subsection 1, paragraph g, Code
2 20 2009, is amended to read as follows:
2 21 g. Disbursements made to a consultant or subvendor and
2 22 disbursements made by the consultant or subvendor during the
2 23 reporting period disclosing the name and address of the
2 24 recipient, amount, purpose, and date. "Subvendor" means a
2 25 person working under the control, direction, or on behalf of a
2 26 consultant.
2 27 Sec. 6. Section 68A.404, subsection 2, paragraph b, Code
2 28 2009, is amended to read as follows:
2 29 b. This section does not apply to a candidate, candidate's
2 30 committee, state statutory political committee, county
2 31 statutory political committee, or a political committee. This
2 32 section does not apply to a federal committee or an
2 33 out=of=state committee that makes an independent expenditure.
2 34 Sec. 7. Section 68A.503, subsection 4, paragraph c, Code
2 35 2009, is amended to read as follows:

Senate File 49 - Introduced continued

3 1 c. The placement of campaign signs as permitted under
3 2 section 68A.406.
3 3 EXPLANATION
3 4 This bill specifies that the campaign finance disclosure
3 5 laws are administered by the Iowa ethics and campaign
3 6 disclosure board citing authority currently set out in Code
3 7 sections 68B.32, 68B.32A, 68B.32B, 68B.32C, and 68B.32D.
3 8 The bill provides that the term "contribution" includes
3 9 both monetary and in=kind contributions with respect to
3 10 restrictions on receipt of contributions by a candidate's
3 11 committee from another candidate's committee.
3 12 The bill also provides that disbursements to a subvendor
3 13 must be reported; current law provides for reporting
3 14 disbursements to consultants.
3 15 The bill substitutes the term "person" for the phrase
3 16 "individual or political committee" in relation to certain
3 17 disclosures of campaign contributions.
3 18 The bill excludes from reporting requirements an
3 19 independent expenditure made by a federal committee or an
3 20 out=of=state committee.
3 21 LSB 1177SV 83
3 22 jr/rj/5

Senate File 50 - Introduced

SENATE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1044)

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

A BILL FOR

An Act relating to the payment of a salary or other compensation to a candidate's family member, and making a penalty applicable.

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

TLSB 1176SV 83
jr/rj/5

Senate File 50 - Introduced continued

PAG LIN

1 1 Section 1. Section 68A.302, subsection 2, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. k. Payment to a candidate or the
1 4 candidate's immediate family member as a salary, gratuity, or
1 5 other compensation. However, reimbursement of expenses as
1 6 otherwise authorized in this section is permitted. For
1 7 purposes of this paragraph, "immediate family member" means
1 8 the spouse or dependent child of a candidate.
1 9 EXPLANATION
1 10 Code section 68A.302, subsection 2, enumerates certain
1 11 purposes for which campaign funds cannot be used. This bill
1 12 adds to that enumeration a prohibition against payment to a
1 13 candidate or the candidate's spouse or dependent child of a
1 14 salary, gratuity, or other compensation. Reimbursement of
1 15 enumerated expenses, such as postage stamps or automobile
1 16 mileage used for campaign purposes, is still allowed. As
1 17 provided in Code section 68A.701, any person who willfully
1 18 violates any provisions of Code chapter 68A is guilty of a
1 19 serious misdemeanor.
1 20 LSB 1176SV 83
1 21 jr/rj/5

Senate File 51

SENATE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1045)

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

A BILL FOR

An Act relating to electronic filing of campaign finance disclosure statements and reports by certain political committees and providing an effective date.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1175SV 83
jr/rj/5

Senate File 51 continued

PAG LIN

1 1 Section 1. Section 68A.401, subsection 1, paragraph a,
1 2 Code 2009, is amended to read as follows:
1 3 a. A state statutory political committee, a political
1 4 committee expressly advocating for or against the nomination,
1 5 election, or defeat of a candidate for statewide office or the
1 6 general assembly, and a candidate's committee of a candidate
1 7 for statewide office or the general assembly shall file all
1 8 statements and reports in an electronic format by 4:30 p.m. of
1 9 the day the filing is due and according to rules adopted by
1 10 the board. Any other candidate or ~~political~~ committee may
1 11 submit the statements and reports in an electronic format as
1 12 prescribed by rule.
1 13 Sec. 2. EFFECTIVE DATE. The amendment in this Act to
1 14 section 68A.401 takes effect May 1, 2010.
1 15 EXPLANATION
1 16 Under current law, beginning in 2010 or 2012 according to
1 17 filings of statements of organization, a candidate's committee
1 18 of a candidate for statewide office or the general assembly
1 19 must file campaign finance statements and reports in an
1 20 electronic format by 4:30 p.m. of the day the filing is due.
1 21 This bill extends the requirement to include a state statutory
1 22 political committee, a political committee expressly
1 23 advocating for or against the nomination, election, or defeat
1 24 of a candidate for statewide office or the general assembly
1 25 and makes the requirement effective May 1, 2010.
1 26 LSB 1175SV 83
1 27 jr/rj/5

Senate File 52 - Introduced

SENATE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1046)

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

A BILL FOR

An Act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1185SV 83
tm/rj/14

Senate File 52 - Introduced continued

PAG LIN

1 1 Section 1. Section 68B.2A, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. Any person who serves or is employed by the state or a
1 4 political subdivision of the state shall not engage in any
1 5 ~~outside employment or activity which is in conflict with the~~
~~1 6 person's official duties and responsibilities. In determining~~
~~1 7 whether particular outside employment or activity creates an~~
~~1 8 unacceptable conflict of interest, situations in which an~~
~~1 9 unacceptable conflict shall be deemed to exist shall include,~~
~~1 10 but not to be limited to, any~~ of the following conduct:
1 11 a. ~~The outside~~ Outside employment or an activity that
1 12 involves the use of the state's or the political subdivision's
1 13 time, facilities, equipment, and supplies or the use of the
1 14 state or political subdivision badge, uniform, business card,
1 15 or other evidences of office or employment to give the person
1 16 or member of the person's immediate family an advantage or
1 17 pecuniary benefit that is not available to other similarly
1 18 situated members or classes of members of the general public.
1 19 This paragraph does not apply to off=duty peace officers who
1 20 provide private duty security or fire fighters or emergency
1 21 medical care providers certified under chapter 147A who
1 22 provide private duty fire safety or emergency medical services
1 23 while carrying their badge or wearing their official uniform,
1 24 provided that the person has secured the prior approval of the
1 25 agency or political subdivision in which the person is
1 26 regularly employed to engage in the activity. For purposes of
1 27 this paragraph, a person is not "similarly situated" merely by
1 28 being or being related to a person who serves or is employed
1 29 by the state or a political subdivision of the state.
1 30 b. ~~The outside~~ Outside employment or an activity that
1 31 involves the receipt of, promise of, or acceptance of money or
1 32 other consideration by the person, or a member of the person's
1 33 immediate family, from anyone other than the state or the
1 34 political subdivision for the performance of any act that the
1 35 person would be required or expected to perform as a part of

Senate File 52 - Introduced continued

the person's regular duties or during the hours during which the person performs service or work for the state or political subdivision of the state.

c. ~~The outside~~ Outside employment or an activity that is subject to the official control, inspection, review, audit, or enforcement authority of the person, during the performance of the person's duties of office or employment.

Sec. 2. Section 68B.2A, subsection 2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

If the outside employment or activity is employment or activity described in subsection 1, paragraph "a" or "b", the person shall immediately cease the employment or activity. If the outside employment or activity is employment or activity described in subsection 1, paragraph "c", or constitutes ~~any other unacceptable conflict of interest~~ outside employment or an activity prohibited under rules adopted pursuant to subsection 4 or under the senate or house codes of ethics, unless otherwise provided by law, the person shall take one of the following courses of action:

Sec. 3. Section 68B.7, subsections 1 and 2, Code 2009, are amended to read as follows:

1. A person who has served as an official, state employee of a state agency, member of the general assembly, or legislative employee shall not within a period of two years after the termination of such service or employment ~~appear before the agency or~~ receive compensation for any services rendered on behalf of any person, firm, corporation, or association in relation to any case, proceeding, or application with respect to which the person was directly concerned and personally participated during the period of service or employment.

2. A person who has served as the head of or on a commission or board of a regulatory agency or as a deputy thereof, shall not, within a period of two years after the termination of such service ~~accept~~ do any of the following:

Senate File 52 - Introduced continued

3 1 a. Accept employment with that commission, board, or
3 2 agency ~~or receive~~.
3 3 b. Receive compensation for any services rendered on
3 4 behalf of any person, firm, corporation, or association in any
3 5 case, proceedings, or application before the department with
3 6 which the person so served wherein the person's compensation
3 7 is to be dependent or contingent upon any action by such
3 8 agency with respect to any license, contract, certificate,
3 9 ruling, decision, opinion, rate schedule, franchise, or other
3 10 benefit, or in promoting or opposing, directly or indirectly,
3 11 the passage of bills or resolutions before either house of the
3 12 general assembly.
3 13 Sec. 4. Section 68B.26, Code 2009, is amended to read as
3 14 follows:
3 15 68B.26 ACTIONS COMMENCED.
3 16 1. Complaints ~~regarding~~ alleging conduct of local
3 17 officials or local employees which violates this chapter,
3 18 except for sections 68B.36, 68B.37, and 68B.38, shall be filed
3 19 with the county attorney in the county where the accused
3 20 resides. However, if the county attorney is the person
3 21 against whom the complaint is filed, or if the county attorney
3 22 otherwise has a personal or legal conflict of interest, the
3 23 complaint shall be referred to another county attorney.
3 24 2. Complaints alleging conduct of local officials or local
3 25 employees which violates section 68B.36, 68B.37, or 68B.38,
3 26 shall be filed with the ethics committee of the appropriate
3 27 house of the general assembly if the conduct involves lobbying
3 28 activities before the general assembly or with the board if
3 29 the conduct involves lobbying activities before the executive
3 30 branch.
3 31 Sec. 5. Section 68B.35, subsection 5, Code 2009, is
3 32 amended to read as follows:
3 33 5. a. A candidate for statewide office shall file a
3 34 financial statement with the ethics and campaign disclosure
3 35 board, a candidate for the office of state representative

Senate File 52 - Introduced continued

4 1 shall file a financial statement with the chief clerk of the
4 2 house of representatives, and a candidate for the office of
4 3 state senator shall file a financial statement with the
4 4 secretary of the senate. Statements shall contain information
4 5 concerning the year preceding the year in which the election
4 6 is to be held. ~~The statement shall be filed no later than~~
~~4 7 thirty days after the date on which a person is required to~~
~~4 8 file nomination papers for state office under section 43.11,~~
~~4 9 or, if the person is a candidate in a special election, as~~
~~4 10 soon as practicable after the certification of the name of the~~
~~4 11 nominee under section 43.88, but the statement shall be~~
~~4 12 postmarked no later than seven days after certification.~~
4 13 b. The ethics and campaign disclosure board shall adopt
4 14 rules pursuant to chapter 17A providing for the filing of the
4 15 financial statements with the board and for the deposit,
4 16 retention, and availability of the financial statements. The
4 17 ethics committees of the house of representatives and the
4 18 senate shall recommend rules for adoption by the respective
4 19 houses providing for the filing of the financial statements
4 20 with the chief clerk of the house or the secretary of the
4 21 senate and for the deposit, retention, and availability of the
4 22 financial statements. Rules adopted shall also include a
4 23 procedure for notification of candidates of the duty to file
4 24 disclosure statements under this section.
4 25 Sec. 6. CODE EDITOR DIRECTIVES.
4 26 1. The Code editor shall create a new subchapter in
4 27 chapter 68B and move sections 68B.25 and 68B.26 into the new
4 28 subchapter.
4 29 2. The Code editor shall consider modifying the headnote
4 30 to section 68B.2A to read, "Prohibited Outside Employment and
4 31 Activities == Conflicts of Interest".
4 32 3. The Code editor shall consider modifying the headnote
4 33 to section 68B.7 to read, "Prohibited Use of Influence".
4 34 EXPLANATION
4 35 This bill relates to ethics regulations for the executive

Senate File 52 - Introduced continued

5 1 branch, legislative branch, and local officials and employees.
5 2 The bill eliminates a general prohibition that any person
5 3 who serves or is employed by the state or a political
5 4 subdivision of the state shall not engage in any outside
5 5 employment or activity which is in conflict with the person's
5 6 official duties and responsibilities. The bill identifies as
5 7 prohibited outside employment or activities, certain outside
5 8 employment and activities that are currently identified in the
5 9 Code as examples of conflicts of interest.
5 10 The bill eliminates a requirement that persons
5 11 participating in undefined unacceptable conflicts of interest
5 12 must take certain courses of action. The bill provides that
5 13 persons conducting activities or outside employment that are
5 14 prohibited under rules adopted by the ethics and campaign
5 15 disclosure board or under the senate or house codes of ethics
5 16 must take certain courses of action.
5 17 Currently, a person who has served as an official, state
5 18 employee of a state agency, member of the general assembly, or
5 19 legislative employee is prohibited within a period of two
5 20 years after the termination of such service or employment from
5 21 appearing before the agency or receiving compensation for any
5 22 services rendered on behalf of any person, firm, corporation,
5 23 or association in relation to any case, proceeding, or
5 24 application with respect to which the person was directly
5 25 concerned and personally participated during the period of
5 26 service or employment. The bill eliminates the prohibition
5 27 against appearing before the agency.
5 28 Currently, complaints regarding conduct of local officials
5 29 or local employees which violates provisions included in Code
5 30 chapter 68B are filed with the county attorney. The bill
5 31 provides that complaints alleging conduct of local officials
5 32 or local employees which violates certain lobbying=related
5 33 provisions of Code chapter 68B shall be filed with the ethics
5 34 committee of the appropriate house of the general assembly if
5 35 the conduct involves lobbying activities before the general

Senate File 52 - Introduced continued

6 1 assembly or with the ethics and campaign disclosure board if
6 2 the conduct involves lobbying activities before the executive
6 3 branch.
6 4 The bill eliminates statutory filing deadlines for
6 5 financial statements of candidates for statewide office and
6 6 candidates for the general assembly. Such deadlines could be
6 7 included in rules adopted by the senate and house of
6 8 representatives and by the ethics and campaign disclosure
6 9 board.
6 10 The bill includes Code editor directives for the
6 11 reorganization of Code chapter 68B and the titling of Code
6 12 sections in Code chapter 68B.
6 13 LSB 1185SV 83
6 14 tm/rj/14

Senate File 53 - Introduced

SENATE FILE
BY BOLKCOM, BLACK, QUIRMBACH, STEWART, RAGAN, BEALL, SCHMITZ, SCHOENJAHN, DOTZLER, HECKROTH, WILHELM, HOGG, HORN, OLIVE, DANDEKAR, DEARDEN, APPEL, COURTNEY, GRONSTAL, KIBBIE, JOCHUM, KREIMAN, McCOY, and HATCH

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

A BILL FOR

An Act relating to and making an appropriation for the case management program for the frail elderly.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1126XS 83
pf/rj/5

Senate File 53 - Introduced continued

PAG LIN

1 1 Section 1. CASE MANAGEMENT PROGRAM FOR THE FRAIL ELDERLY
1 2 == APPROPRIATION. There is appropriated from the general fund
1 3 of the state to the department of elder affairs for the fiscal
1 4 year beginning July 1, 2009, and ending June 30, 2010, the
1 5 following amount or so much thereof as is necessary to be used
1 6 for the purpose designated:
1 7 For the case management program for the frail elderly:
1 8 ..... $ 2,700,000
1 9 The department of elder affairs shall utilize the funding
1 10 appropriated to meet the needs of frail elders identified by
1 11 the most recent case management for the frail elderly unmet
1 12 needs report including but not limited to adult daycare,
1 13 assisted transportation, caregiver support, case management,
1 14 chore services, congregate meals, counseling, emergency
1 15 response system, home repair, home delivered meals, homemaker
1 16 services, legal assistance, mental health outreach, personal
1 17 care, preventive health promotion, respite, transportation,
1 18 and visiting.
1 19 EXPLANATION
1 20 This bill appropriates funds to the department of elder
1 21 affairs for the case management program for the frail elderly
1 22 to meet the needs of frail elders identified in the most
1 23 recent frail elderly unmet needs report.
1 24 LSB 1126XS 83
1 25 pf/rj/5

Senate File 54 - Introduced

SENATE FILE
BY BOLKCOM, BLACK, QUIRMBACH, STEWART, RAGAN, BEALL, SCHMITZ, SCHOENJAHN, DOTZLER, HECKROTH, WILHELM, HOGG, HORN, OLIVE, DANDEKAR, DEARDEN, APPEL, COURTNEY, KIBBIE, JOCHUM, KREIMAN, McCOY, and HATCH

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

A BILL FOR

An Act making an appropriation for case management under the Medicaid elderly waiver.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1121XS 83
pf/rj/14

Senate File 54 - Introduced continued

PAG LIN

1 1 Section 1. CASE MANAGEMENT == MEDICAID ELDERLY WAIVER ==
1 2 APPROPRIATION. There is appropriated from the general fund of
1 3 the state to the department of elder affairs for the fiscal
1 4 year beginning July 1, 2009, and ending June 30, 2010, the
1 5 following amount, or so much thereof as is necessary, to be
1 6 used for the purpose designated:
1 7 For reimbursement of the actual costs of case management
1 8 services provided under the medical assistance elderly waiver:
1 9 ..... $ 1,600,000
1 10 The department of elder affairs shall transfer the funds
1 11 appropriated in this section to the department of human
1 12 services in equal amounts on a quarterly basis to reimburse
1 13 the department of human services for case management services
1 14 provided under the medical assistance elderly waiver.
1 15 EXPLANATION
1 16 This bill appropriates $1.6 million from the general fund
1 17 of the state to the department of elder affairs for FY
1 18 2009=2010 for reimbursement of the actual costs of case
1 19 management services provided under the medical assistance
1 20 elderly waiver. The bill directs the department of elder
1 21 affairs to transfer the funds appropriated in equal amounts on
1 22 a quarterly basis to reimburse the department of human
1 23 services for these case management services. The Medicaid
1 24 home and community=based services elderly waiver provides
1 25 service funding and individualized supports to maintain
1 26 eligible consumers in their own homes or communities, who
1 27 would otherwise require care in a medical institution.
1 28 Services include but are not limited to adult day care, home
1 29 delivery needs, home health aid, and transportation.
1 30 LSB 1121XS 83
1 31 pf/rj/14

Senate File 55 - Introduced

SENATE FILE
BY BOLKCOM, BLACK, QUIRMBACH, STEWART, RAGAN, BEALL, SCHMITZ, SCHOENJAHN, DOTZLER, HECKROTH, WILHELM, HORN, HOGG, DANDEKAR, DEARDEN, APPEL, COURTNEY, KIBBIE, KREIMAN, McCOY, and HATCH

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

A BILL FOR

An Act establishing an older Iowans' legislature fund and providing an appropriation.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1131XS 83
ec/nh/5

Senate File 55 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 231.24 OLDER IOWANS' LEGISLATURE
1 2 FUND == APPROPRIATION.
1 3 An older Iowans' legislature fund is created in the office
1 4 of the treasurer of state under the control of the department
1 5 of elder affairs. There is appropriated annually from the
1 6 general fund of the state to the older Iowans' legislature
1 7 fund fifty thousand dollars for the purpose of paying travel
1 8 and other expenses for the operation of the annual session of
1 9 the older Iowans' legislature.
1 10 EXPLANATION
1 11 This bill creates an older Iowans' legislature fund under
1 12 the control of the department of elder affairs. An annual
1 13 appropriation of $50,000 is made to the fund for the purpose
1 14 of paying expenses for the operation of the annual session of
1 15 the older Iowans' legislature.
1 16 LSB 1131XS 83
1 17 ec/nh/5

Senate File 56 - Introduced

SENATE FILE
BY BOLKCOM, BLACK, QUIRMBACH, STEWART, RAGAN, BEALL, SCHMITZ, SCHOENJAHN, DOTZLER, HECKROTH, WILHELM, HORN, OLIVE, DANDEKAR, DEARDEN, FRAISE, APPEL, COURTNEY, GRONSTAL, KIBBIE, JOCHUM, SENG, KREIMAN, McCOY, and HATCH

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

A BILL FOR

1 An Act providing for and making an appropriation to the
2 department of elder affairs for expansion of the elder abuse
3 initiative program.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1120XS 83
6 rh/jp/14

Senate File 56 - Introduced continued

PAG LIN

1 1 Section 1. APPROPRIATION == DEPARTMENT OF ELDER AFFAIRS ==
1 2 ELDER ABUSE INITIATIVE PROGRAM. There is appropriated from
1 3 the general fund of the state to the department of elder
1 4 affairs for the fiscal year beginning July 1, 2009, and ending
1 5 June 30, 2010, the following amount, or so much thereof as is
1 6 necessary, to be used for the purpose designated:
1 7 For the purpose of expansion of the elder abuse initiative
1 8 program established pursuant to section 231.56A for the
1 9 prevention, intervention, detection, and reporting of elder
1 10 abuse, neglect, and exploitation to ensure the protection of
1 11 citizens of Iowa who are 60 years of age or older:
1 12 ..... $ 441,000
1 13 EXPLANATION
1 14 This bill appropriates $441,000 from the general fund of
1 15 the state to the department of elder affairs for the fiscal
1 16 year beginning July 1, 2009, and ending June 30, 2010, for
1 17 expansion of the elder abuse initiative program to eleven
1 18 additional counties in Iowa. The elder abuse initiative
1 19 program was established pursuant to Code section 231.56A for
1 20 the prevention, intervention, detection, and reporting of
1 21 elder abuse, neglect, and exploitation of citizens of Iowa who
1 22 are 60 years of age or older.
1 23 LSB 1120XS 83
1 24 rh/jp/14

Senate File 57 - Introduced

SENATE FILE
BY BOLKCOM, QUIRMBACH, BEALL, HECKROTH, DVORSKY, WILHELM, HOGG, OLIVE, DEARDEN, FRAISE, APPEL, COURTNEY, JOCHUM, RIELLY, McCOY, and HATCH

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

A BILL FOR

An Act relating to the exemption of gaming floors from the prohibitions of the smokefree air Act.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1090XS 83
pf/nh/5

Senate File 57 - Introduced continued

PAG LIN

1 1 Section 1. Section 142D.4, subsection 10, Code 2009, is
1 2 amended by striking the subsection.
1 3 EXPLANATION
1 4 The smokefree air Act (Code chapter 142D) prohibits smoking
1 5 in public places including gambling structures, excursion
1 6 gambling boats, and racetrack enclosures, with the exception
1 7 of the gaming floors of premises licensed pursuant to Code
1 8 chapter 99F (excursion gambling boats and racetracks). This
1 9 bill eliminates this exception, thereby subjecting the
1 10 entirety of gambling structures, excursion gambling boats, and
1 11 racetrack enclosures to the smoking prohibitions of the
1 12 smokefree air Act.
1 13 LSB 1090XS 83
1 14 pf/nh/5

Senate File 58 - Introduced

SENATE FILE
BY BOLKCOM, BLACK, QUIRMBACH, STEWART, RAGAN, BEALL, SCHMITZ, SCHOENJAHN, DOTZLER, DVORSKY, WILHELM, HOGG, HORN, OLIVE, DANDEKAR, DEARDEN, FRAISE, APPEL, COURTNEY, GRONSTAL, KIBBIE, JOCHUM, SENG, DANIELSON, KREIMAN, McCOY, and HATCH

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

A BILL FOR

An Act providing for standardized requirements and a consumer guide for long=term care insurance policies and providing an applicability date.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1130XS 83
av/nh/14

Senate File 58 - Introduced continued

PAG LIN

1 1 Section 1. Section 514G.105, Code 2009, is amended by
1 2 adding the following new subsections:
1 3 NEW SUBSECTION. 5A. STANDARD PROVISIONS.
1 4 a. The commissioner shall adopt rules establishing
1 5 standard provisions for terms and benefits required to be
1 6 included in a long=term care insurance policy advertised,
1 7 marketed, offered, delivered, or issued for delivery in this
1 8 state. The rules shall establish a standard format for such
1 9 long=term care insurance policies to facilitate ease of
1 10 comparison of the various policies by consumers.
1 11 b. The commissioner shall review each policy of long=term
1 12 care insurance prior to the policy being advertised, marketed,
1 13 offered, delivered, or issued for delivery in this state to
1 14 ensure that the policy complies with the requirements of this
1 15 subsection and rules adopted pursuant to this subsection.
1 16 NEW SUBSECTION. 7A. CONSUMER GUIDE.
1 17 a. A consumer guide, as prescribed by the commissioner by
1 18 rule, shall be delivered to a prospective applicant for
1 19 long=term care insurance at the time of the initial
1 20 solicitation for coverage.
1 21 (1) In the case of producer solicitations, a producer
1 22 shall deliver the consumer guide to a prospective applicant
1 23 prior to the presentation of an application or enrollment
1 24 form.
1 25 (2) In the case of direct response solicitations, the
1 26 consumer guide shall be presented in conjunction with any
1 27 application or enrollment form.
1 28 (3) In the case of a policy issued to a group as described
1 29 in section 514G.103, subsection 9, paragraph "a", a consumer
1 30 guide is not required to be delivered to the applicant,
1 31 provided that the information described in paragraph "b" of
1 32 this subsection is contained in other enrollment materials
1 33 provided. Upon request such other enrollment materials shall
1 34 be made available to the commissioner.
1 35 b. The consumer guide shall include a description of the

Senate File 58 - Introduced continued

2 1 standard terms, benefits, and format required for a long=term
2 2 care insurance policy in this state. The commissioner of
2 3 insurance may by reference adopt or permit the use of the
2 4 long=term care insurance consumer guide developed by the
2 5 national association of insurance commissioners, the blue
2 6 cross and blue shield association, or the health insurance
2 7 association of America, provided that the consumer guide that
2 8 is adopted or permitted to be used by reference meets all of
2 9 the requirements of this subsection.
2 10 Sec. 2. APPLICABILITY. This Act applies to long=term care
2 11 insurance policies advertised, marketed, offered, delivered,
2 12 or issued for delivery in this state on or after July 1, 2009.
2 13 EXPLANATION
2 14 This bill requires the commissioner of insurance to adopt
2 15 rules establishing standard provisions for terms and benefits
2 16 required to be included in a long=term care insurance policy
2 17 advertised, marketed, offered, delivered, or issued for
2 18 delivery in this state. The rules must establish a standard
2 19 format for such policies so that consumers can easily compare
2 20 the various policies offered. The commissioner is required to
2 21 review each policy of long=term care insurance to ensure that
2 22 the policy complies with these requirements.
2 23 The bill also requires the commissioner to adopt rules
2 24 concerning a consumer guide to be delivered to prospective
2 25 applicants for long=term care insurance at the time of
2 26 solicitation, application, or enrollment. The guide must
2 27 include a description of the required standard terms,
2 28 benefits, and format in long=term care insurance policies in
2 29 this state. The commissioner may by reference adopt or permit
2 30 the use of a consumer guide developed by the national
2 31 association of insurance commissioners, the blue cross and
2 32 blue shield association, or the health insurance association
2 33 of America, so long as the guide meets all the requirements of
2 34 the bill.
2 35 The bill is applicable to long=term care insurance policies

Senate File 58 - Introduced continued

3 1 advertised, marketed, offered, delivered, or issued for
3 2 delivery in this state on or after July 1, 2009.
3 3 LSB 1130XS 83
3 4 av/nh/14

Senate File 59 - Introduced

SENATE FILE
BY STEWART and McCOY

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

A BILL FOR

An Act relating to the transport of passengers under eighteen years of age in an open truck bed and providing a penalty.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1027XS 83
dea/nh/8

Senate File 59 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 321.447 MINOR PASSENGERS IN OPEN
1 2 TRUCK BED.
1 3 1. Except as otherwise provided in this section, a person
1 4 shall not operate a motor vehicle on a highway while
1 5 transporting a passenger under eighteen years of age in an
1 6 unenclosed area of the vehicle not intended for passenger
1 7 seating, including but not limited to the open bed of a motor
1 8 truck.
1 9 2. Except as otherwise provided in this section, a person
1 10 under eighteen years of age shall not ride in an unenclosed
1 11 area of a motor vehicle not intended for passenger seating,
1 12 including but not limited to the open bed of a motor truck,
1 13 while the vehicle is being operated on a highway.
1 14 3. Subsections 1 and 2 do not apply if the owner of the
1 15 motor vehicle is a person engaged in farming or ranching and
1 16 the vehicle is being operated within the boundaries of land
1 17 that is owned or managed by the owner of the vehicle as a farm
1 18 or ranch, including the incidental operation of the vehicle on
1 19 a highway for the purpose of traveling not more than one mile
1 20 from one part of the farm or ranch to another part of that
1 21 farm or ranch.
1 22 4. Subsections 1 and 2 do not apply if the motor vehicle
1 23 is being operated in a parade and the speed of the vehicle
1 24 does not exceed eight miles per hour.
1 25 5. The operator and passengers in a motor vehicle may each
1 26 be charged separately for a violation of this section. A
1 27 violation of this section is a simple misdemeanor punishable
1 28 as a scheduled violation under section 805.8A, subsection 14,
1 29 paragraph "j".
1 30 Sec. 2. Section 805.8A, subsection 14, Code 2009, is
1 31 amended by adding the following new paragraph:
1 32 NEW PARAGRAPH. j. PASSENGER SEATING VIOLATIONS. For a
1 33 violation under section 321.447, subsection 1 or 2, the
1 34 scheduled fine is twenty=five dollars.
1 35 EXPLANATION

Senate File 59 - Introduced continued

2 1 This bill prohibits the operator of a motor vehicle from
2 2 transporting passengers who are under 18 years of age in an
2 3 unenclosed area of the vehicle not intended for passenger
2 4 seating, such as an open truck bed. The bill also prohibits
2 5 persons under 18 years of age from riding in such an area of a
2 6 motor vehicle. The bill makes an exception for a motor
2 7 vehicle owned by a farmer or rancher when the vehicle is being
2 8 driven on land owned or managed by the farmer or rancher or on
2 9 the highway between one part of the farm or ranch to another
2 10 part of the farm or ranch for a distance of one mile or less.
2 11 Another exception is allowed for a motor vehicle being
2 12 operated at a speed of not more than eight miles per hour in a
2 13 parade. The penalty for a violation is a simple misdemeanor,
2 14 punishable by a scheduled fine of $25. Both the driver and
2 15 passengers may each be charged with a separate violation.
2 16 LSB 1027XS 83
2 17 dea/nh/8

Senate File 60 - Introduced

SENATE FILE
BY BOLKCOM, BLACK, QUIRMBACH, STEWART, RAGAN, BEALL, SCHMITZ, SCHOENJAHN, DOTZLER, HECKROTH, SODDERS, WILHELM, HOGG, HORN, HANCOCK, DANDEKAR, DEARDEN, FRAISE, APPEL, COURTNEY, KIBBIE, JOCHUM, KREIMAN, RIELLY, DANIELSON, McCOY, and HATCH

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

A BILL FOR

An Act relating to reimbursement for services provided under a medical assistance home and community=based services waiver for the elderly.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1128XS 83
pf/rj/8

Senate File 60 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 249A.30B HOME AND COMMUNITY=
1 2 BASED SERVICES WAIVER == ELDERLY == REIMBURSEMENT.
1 3 The reimbursement for a provider of services under a
1 4 medical assistance program home and community=based services
1 5 waiver for the elderly shall be recalculated annually on July
1 6 1. The annual inflation factor applied shall be determined
1 7 based on the total skilled nursing facility market basket
1 8 index utilized by the centers for Medicare and Medicaid
1 9 services of the United States department of health and human
1 10 services.
1 11 EXPLANATION
1 12 This bill requires the reimbursement for providers of
1 13 services under a medical assistance home and community=based
1 14 services waiver for the elderly to be recalculated annually on
1 15 July 1. The annual inflation factor applied is to be
1 16 determined based on the skilled nursing facility market basket
1 17 index utilized by the centers for Medicare and Medicaid
1 18 services of the United States department of health and human
1 19 services.
1 20 LSB 1128XS 83
1 21 pf/rj/8

Senate File 61 - Introduced

SENATE FILE
BY DANIELSON

(COMPANION TO LSB 1635HH
BY HUNTER)

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

A BILL FOR

An Act concerning the statewide fire and police retirement system by establishing a presumption that cancer is work=related for purposes of disability and death benefits for fire fighters and by increasing the contribution rate for fire fighters.

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

TLSB 1635SS 83
ec/sc/14

Senate File 61 - Introduced continued

PAG LIN

1 1 Section 1. Section 411.6, subsection 5, paragraph c, Code
1 2 2009, is amended to read as follows:
1 3 c. Disease under this section shall mean heart disease or
1 4 any disease of the lungs or respiratory tract and shall be
1 5 presumed to have been contracted while on active duty as a
1 6 result of strain or the inhalation of noxious fumes, poison or
1 7 gases. For a member who is a fire fighter, disease under this
1 8 section shall also mean cancer which shall also be presumed to
1 9 have been contracted while on active duty. However, if a
1 10 person's membership in the system first commenced on or after
1 11 July 1, 1992, and the heart disease, ~~or~~ disease of the lungs
1 12 or respiratory tract, or cancer would not exist, but for a
1 13 medical condition that was known to exist on the date that
1 14 membership commenced, the presumption established in this
1 15 paragraph shall not apply.
1 16 Sec. 2. Section 411.6, subsection 9, paragraph a, Code
1 17 2009, is amended to read as follows:
1 18 a. If, upon the receipt of evidence and proof from the
1 19 chief of the police or fire department that the death of a
1 20 member in service was the natural and proximate result of an
1 21 injury or disease incurred in or aggravated by the actual
1 22 performance of duty at some definite time and place, or while
1 23 acting pursuant to order, outside of the city by which the
1 24 member is regularly employed, the system decides that death
1 25 was so caused in the performance of duty, there shall be paid,
1 26 in lieu of the ordinary death benefit provided in subsection
1 27 8, an accidental death benefit as set forth in this
1 28 subsection. Disease under this subsection shall mean heart
1 29 disease or any disease of the lungs or respiratory tract and
1 30 shall be presumed to have been contracted while on active duty
1 31 as a result of strain or the inhalation of noxious fumes,
1 32 poison, or gases. For a member who is a fire fighter, disease
1 33 under this subsection shall also mean cancer which shall also
1 34 be presumed to have been contracted while on active duty.
1 35 Sec. 3. Section 411.8, subsection 1, paragraph f,

Senate File 61 - Introduced continued

2 1 subparagraph (8), Code 2009, is amended to read as follows:
2 2 (8) Beginning July 1, 1996, and each fiscal year
2 3 thereafter, an amount equal to the member's contribution rate
2 4 times each member's compensation shall be paid to the fund
2 5 from the earnable compensation of the member. For the
2 6 purposes of this subparagraph, the member's contribution rate
2 7 shall be nine and thirty=five hundredths percent or, beginning
2 8 July 1, 2009, if the member is a fire fighter, nine and
2 9 four=tenths percent. However, the system shall increase the
2 10 member's contribution rate as necessary to cover any increase
2 11 in cost to the system resulting from statutory changes which
2 12 are enacted by any session of the general assembly meeting
2 13 after January 1, 1991, if the increase cannot be absorbed
2 14 within the contribution rates otherwise established pursuant
2 15 to this paragraph, but subject to a maximum employee
2 16 contribution rate of eleven and three=tenths percent or,
2 17 beginning July 1, 2009, if the member is a fire fighter,
2 18 eleven and thirty=five hundredths percent. The contribution
2 19 rate increases specified in 1994 Iowa Acts, ch. 1183, pursuant
2 20 to this chapter and chapter 97A shall be the only member
2 21 contribution rate increases for these systems resulting from
2 22 the statutory changes enacted in 1994 Iowa Acts, ch. 1183, and
2 23 shall apply only to the fiscal periods specified in 1994 Iowa
2 24 Acts, ch. 1183. After the employee contribution reaches
2 25 eleven and three=tenths percent or eleven and thirty=five
2 26 hundredths percent, as applicable, sixty percent of the
2 27 additional cost of such statutory changes shall be paid by
2 28 employers under paragraph "c" and forty percent of the
2 29 additional cost shall be paid by employees under this
2 30 paragraph.
2 31 EXPLANATION
2 32 This bill provides that cancer contracted by fire fighter
2 33 members of the statewide fire and police retirement system is
2 34 presumed to be a disease contracted while on active duty due
2 35 to the job for purposes of establishing a disability pension

Senate File 61 - Introduced continued

3 1 or providing a death benefit. The bill also provides that the
3 2 presumption will not apply to fire fighter members who joined
3 3 the retirement system after July 1, 1992, in which the cancer
3 4 would not have existed but for a medical condition that was
3 5 known on the date the member joined.
3 6 The bill also increases the minimum contribution rate for
3 7 fire fighter members of the pension system from 9.35 percent
3 8 to 9.4 percent.
3 9 The bill may include a state mandate as defined in Code
3 10 section 25B.3. The state mandate funding requirement in Code
3 11 section 25B.2, however, does not apply to public employee
3 12 retirement systems.
3 13 LSB 1635SS 83
3 14 ec/sc/14

Senate File 62 - Introduced

SENATE FILE
BY HANCOCK

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

A BILL FOR

An Act providing volunteer fire fighters and emergency medical services personnel with an individual income tax credit and including effective and applicability date provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1246XS 83
tw/mg:sc/14

Senate File 62 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.12, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 2A. a. A volunteer fire fighter and
1 4 volunteer emergency medical services personnel credit equal to
1 5 the amount specified in paragraph "b" to compensate the
1 6 taxpayer for the voluntary services.
1 7 b. The amount of the credit is equal to the following:
1 8 (1) For tax years beginning in the 2010 calendar year,
1 9 twenty=five dollars.
1 10 (2) For tax years beginning in the 2011 calendar year,
1 11 fifty dollars.
1 12 (3) For tax years beginning in the 2012 calendar year,
1 13 seventy=five dollars.
1 14 (4) For tax years beginning in the 2013 and subsequent
1 15 calendar years, one hundred dollars.
1 16 c. If the taxpayer is not a volunteer fire fighter or
1 17 volunteer emergency medical services personnel for the entire
1 18 tax year, the amount of the dollar credit shall be prorated
1 19 and the amount of credit shall equal the maximum amount of
1 20 credit for the tax year, divided by twelve, multiplied by the
1 21 number of months in the tax year the taxpayer was a volunteer.
1 22 The credit shall be rounded to the nearest five dollars. If
1 23 the taxpayer is a volunteer during any part of a month, the
1 24 taxpayer shall be considered a volunteer for the entire month.
1 25 If the taxpayer is a volunteer fire fighter and a volunteer
1 26 emergency medical services personnel during the same month, a
1 27 credit may be claimed for only one volunteer position for that
1 28 month.
1 29 d. The taxpayer is required to have a written statement
1 30 from the fire chief or other appropriate supervisor verifying
1 31 that the taxpayer was a volunteer fire fighter or volunteer
1 32 emergency medical services personnel for the months for which
1 33 the credit under this subsection is claimed.
1 34 e. For purposes of this subsection:
1 35 (1) "Emergency medical services personnel" means an

Senate File 62 - Introduced continued

2 1 emergency medical care provider, as defined in section 147A.1,
2 2 who is certified as a first responder pursuant to chapter
2 3 147A.
2 4 (2) "Volunteer fire fighter" means a volunteer fire
2 5 fighter as defined in section 85.61 who has met the minimum
2 6 training standards established by the fire service training
2 7 bureau pursuant to chapter 100B.
2 8 Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This Act takes
2 9 effect January 1, 2010, for tax years beginning on or after
2 10 that date.
2 11 EXPLANATION
2 12 This bill provides a nonrefundable individual income tax
2 13 credit for an individual who was a volunteer fire fighter who
2 14 has met the minimum training standards or certified volunteer
2 15 emergency medical services personnel for the entire tax year.
2 16 The credit is to compensate the individual for the volunteer
2 17 services. The amount of the credit equals $25 for the 2010
2 18 tax year and increases by $25 for each subsequent tax year
2 19 until the credit equals $100. If the individual was not a
2 20 volunteer for the entire tax year, the amount of credit is
2 21 prorated based upon the months of volunteer service. A credit
2 22 may be claimed for only one volunteer position per month.
2 23 The bill takes effect January 1, 2010, for tax years
2 24 beginning on or after that date.
2 25 LSB 1246XS 83
2 26 tw/mg:sc/14

Senate File 63 - Introduced

SENATE FILE
BY SCHOENJAHN and BEALL

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

A BILL FOR

An Act relating to claims of adverse possession concerning cemeteries or pioneer cemeteries.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1812SS 83
av/nh/24

Senate File 63 - Introduced continued

PAG LIN

1 1 Section 1. Section 523I.316, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 7. ADVERSE POSSESSION. A cemetery or a
1 4 pioneer cemetery is exempt from seizure, appropriation, or
1 5 acquisition of title under any claim of adverse possession,
1 6 unless it is shown that all remains in the cemetery or pioneer
1 7 cemetery have been disinterred and removed to another
1 8 location.
1 9 EXPLANATION
1 10 This bill provides that a cemetery or pioneer cemetery is
1 11 exempt from seizure, appropriation, or acquisition of title
1 12 under a claim of adverse possession unless it is shown that
1 13 all remains in the cemetery or pioneer cemetery have been
1 14 disinterred and removed to another location.
1 15 LSB 1812SS 83
1 16 av/nh/24

Senate File 64 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 15)

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

A BILL FOR

An Act specifying those authorized to solemnize marriages in this state.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1190SV 83
pf/rj/5

Senate File 64 - Introduced continued

PAG LIN

1 1 Section 1. Section 595.10, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. A ~~judge of the~~ supreme court justice, court of appeals
1 4 judge, or district court judge, including a district associate
1 5 judge, associate juvenile judge, or a judicial magistrate, and
1 6 including a senior judge as defined in section 602.9202,
1 7 subsection 3, or a retired supreme court justice, a retired
1 8 court of appeals judge, or a retired district court judge.
1 9 Sec. 2. Section 595.12, Code 2009, is amended to read as
1 10 follows:
1 11 595.12 FEE AND EXPENSES.
1 12 1. A judge or magistrate authorized to solemnize a
1 13 marriage under section 595.10, subsection 1, may charge a
1 14 reasonable fee for officiating and making return for each
1 15 marriage solemnized at a time other than regular judicial
1 16 working hours. In addition the judge or magistrate may charge
1 17 the parties to the marriage for expenses incurred in
1 18 solemnizing the marriage. ~~No~~ A judge or magistrate shall ~~make~~
1 19 ~~any~~ not charge for solemnizing a marriage during regular
1 20 judicial working hours. The supreme court shall adopt rules
1 21 prescribing the maximum fee and expenses that the judge or
1 22 magistrate may charge.
1 23 2. ~~A minister~~ An individual authorized to solemnize a
1 24 marriage under section 595.10, subsection 2, may charge a
1 25 reasonable fee for each marriage solemnization and making
1 26 return in an amount agreed to by the parties.
1 27 Sec. 3. Section 595.13, Code 2009, is amended to read as
1 28 follows:
1 29 595.13 CERTIFICATE == RETURN.
1 30 After the marriage has been solemnized, the officiating
1 31 ~~minister or magistrate~~ individual authorized to solemnize a
1 32 marriage under section 595.10 shall attest to the marriage on
1 33 the blank provided for that purpose and return the certificate
1 34 of marriage within fifteen days to the county registrar who
1 35 issued the marriage license.

Senate File 64 - Introduced continued

Sec. 4. Section 595.16, Code 2009, is amended to read as follows:

595.16 SPOUSE RESPONSIBLE FOR RETURN.

When a marriage is consummated without the services of ~~a cleric or magistrate~~ an individual authorized to solemnize a marriage under section 595.10, the required return of the marriage may be made to the county registrar by either spouse.

EXPLANATION

This bill authorizes, in addition to those judges already authorized to solemnize marriage, retired supreme court justices, retired court of appeals judges, and retired district court judges to solemnize marriages in this state. The bill also makes corrective changes in provisions of Code chapter 595 (marriage) relating to those who currently are authorized to solemnize marriages.

LSB 1190SV 83
pf/rj/5

Senate File 65 - Introduced

SENATE FILE
BY SCHMITZ

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

A BILL FOR

An Act exempting the sale of wood pellets to residential customers from sales tax.

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

TLSB 1028XS 83
ak/nh/5

Senate File 65 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.3, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 84A. The sales price from the sale of
1 4 wood pellets to residential customers that are used to provide
1 5 energy for residential dwellings and units of apartment and
1 6 condominium complexes used for human occupancy. For purposes
1 7 of this subsection, "wood pellets" means pellets made from
1 8 compacted sawdust that are uniform in density and have less
1 9 than ten percent water content.
1 10 EXPLANATION
1 11 This bill exempts from sales tax the sale of wood pellets
1 12 to residential customers that are used for providing energy to
1 13 residential dwellings, apartments, or condominiums. Wood
1 14 pellets are defined as pellets made from compacted sawdust
1 15 that are uniform in density and have less than 10 percent
1 16 water content.
1 17 LSB 1028XS 83
1 18 ak/nh/5

Senate File 66 - Introduced

SENATE FILE
BY WARNSTADT

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

A BILL FOR

An Act requiring the department of cultural affairs to prioritize and award tax credits for the preservation of historic property according to certain criteria.

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

TLSB 1205XS 83
tw/mg:sc/5

Senate File 66 - Introduced continued

PAG LIN

1 1 Section 1. Section 404A.4, subsection 4, Code 2009, is
1 2 amended to read as follows:
1 3 4. a. The total amount of tax credits that may be
1 4 approved for a fiscal year under this chapter shall not exceed
1 5 ten million dollars in the fiscal year beginning July 1, 2007,
1 6 fifteen million dollars in the fiscal year beginning July 1,
1 7 2008, and twenty million dollars in the fiscal year beginning
1 8 July 1, 2009, and each fiscal year thereafter.
1 9 b. Of the tax credits approved for a fiscal year under
1 10 this chapter, ten percent of the dollar amount of tax credits
1 11 shall be allocated for purposes of new projects with qualified
1 12 costs of five hundred thousand dollars or less, and forty
1 13 percent of the dollar amount of tax credits shall be allocated
1 14 for purposes of new projects located in cultural and
1 15 entertainment districts certified pursuant to section 303.3B
1 16 or identified in Iowa great places agreements developed
1 17 pursuant to section 303.3C. Any of the tax credits allocated
1 18 for projects located in certified cultural and entertainment
1 19 districts or identified in Iowa great places agreements and
1 20 for projects with a cost of five hundred thousand dollars or
1 21 less that are not reserved during a fiscal year shall be
1 22 applied to reserved tax credits issued in accordance with
1 23 section 404A.3 in order of original reservation. With the
1 24 exception of tax credits issued pursuant to contracts entered
1 25 into prior to July 1, 2007, tax credits shall not be reserved
1 26 for more than three years.
1 27 c. The department of cultural affairs shall establish by
1 28 rule the procedures for the application, review, selection,
1 29 and awarding of certifications of completion.
1 30 d. If the total value of applications for tax credits
1 31 pursuant to this chapter exceeds the amount of credits that
1 32 may be approved in a fiscal year, the department of cultural
1 33 affairs shall prioritize the applications and award the tax
1 34 credit certificates based on the following criteria listed in
1 35 order of importance:

Senate File 66 - Introduced continued

2 1 (1) The potential for positive economic development
2 2 resulting from the preservation of eligible property.
2 3 (2) The total costs incurred in a rehabilitation project
2 4 by an applicant for the tax credit.
2 5 (3) The cultural, historic, or architectural significance
2 6 of the eligible property relative to the significance of other
2 7 property for which an application is made.
2 8 (4) Other relevant criteria adopted by the department of
2 9 cultural affairs by rule.
2 10 e. The departments of cultural affairs and revenue shall
2 11 each adopt rules to jointly administer this subsection and
2 12 shall provide by rule for the method to be used to determine
2 13 for which fiscal year the tax credits are available. ~~With the~~
~~2 14 exception of tax credits issued pursuant to contracts entered~~
~~2 15 into prior to July 1, 2007, tax credits shall not be reserved~~
~~2 16 for more than three years.~~
2 17 EXPLANATION
2 18 This bill provides that if the total value of applications
2 19 for historic preservation tax credits exceeds the aggregate
2 20 amount of credits that may be approved in a fiscal year, the
2 21 department of cultural affairs shall prioritize the
2 22 applications and award the tax credit certificates based on
2 23 the following criteria which are listed in order of
2 24 importance: (1) the potential for positive economic
2 25 development resulting from the preservation of eligible
2 26 property; (2) the total costs incurred in a rehabilitation
2 27 project by an applicant for the tax credit; (3) the relative
2 28 cultural, historic, or architectural significance of the
2 29 eligible property; and (4) other relevant criteria adopted by
2 30 the department of cultural affairs by rule.
2 31 LSB 1205XS 83
2 32 tw/mg:sc/5

Senate Resolution 5 - Introduced

PAG LIN

S.R. _____ H.R. _____

1 1 SENATE RESOLUTION NO. ___
1 2 BY DVORSKY, BOLKCOM, and SCHMITZ
1 3 A Resolution to congratulate the city of Iowa City on
1 4 being designated as the world's third City of
1 5 Literature.
1 6 WHEREAS, the United Nations Educational, Scientific
1 7 and Cultural Organization (UNESCO) has designated Iowa
1 8 City, Iowa, the world's third City of Literature,
1 9 making it part of the UNESCO Creative Cities Network;
1 10 and
1 11 WHEREAS, with this designation Iowa City joins only
1 12 two other cities, Edinburgh, Scotland, and Melbourne,
1 13 Australia, which are recognized by UNESCO as Cities of
1 14 Literature; and
1 15 WHEREAS, the foundation for this recognition
1 16 includes the University of Iowa's Iowa Writers'
1 17 Workshop, which offered the first creative=writing
1 18 degree program, the International Writing Program, the
1 19 School of Journalism and Mass Communication, the
1 20 Nonfiction Writing Program, the Center for the Book,
1 21 and the Iowa Playwrights Workshop; and
1 22 WHEREAS, as part of the Creative Cities Network,
1 23 Iowa City joins a diverse community of worldwide
1 24 cultural centers for cinema, music, crafts and folk
1 25 arts, design, media arts and gastronomy, as well as
1 26 literature == including Aswan, Egypt; Santa Fe, New
1 27 Mexico; Berlin, Germany; Montreal, Canada; Popayan,
1 28 Colombia; Bologna, Italy; Shenzhen, China; and
1 29 Seville, Spain; NOW THEREFORE,
1 30 BE IT RESOLVED BY THE SENATE, That the Senate

Senate Resolution 5 - Introduced continued

2 1 congratulates the city of Iowa City on being
2 2 designated the world's third City of Literature by the
2 3 United Nations Educational, Scientific and Cultural
2 4 Organization and offers special thanks to University
2 5 of Iowa International Writing Program Director
2 6 Christopher Merrill, who led the University of Iowa
2 7 committee that submitted the city's proposal.
2 8 LSB 1414SS 83
2 9 jr/nh/14

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

Senate Study Bill 1099

SENATE FILE
BY (PROPOSED COMMITTEE ON
REBUILD IOWA BILL BY
CHAIRPERSON HOGG)

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

A BILL FOR

An Act relating to disaster emergency assistance immunity.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1879SC 83
tm/rj/8

Senate Study Bill 1099 continued

PAG LIN

1 1 Section 1. NEW SECTION. 613.17A VOLUNTEER DISASTER
1 2 EMERGENCY ASSISTANCE IMMUNITY.
1 3 During a disaster as defined in section 29C.2 or in the
1 4 period immediately following a disaster for which the governor
1 5 has issued a proclamation of disaster emergency pursuant to
1 6 section 29C.6, a person who in good faith renders emergency
1 7 assistance without compensation shall not be liable for any
1 8 civil damages for acts or omissions occurring during the
1 9 rendering of the emergency assistance at the place of the
1 10 disaster emergency unless such acts or omissions constitute
1 11 recklessness.
1 12 EXPLANATION
1 13 This bill relates to disaster emergency assistance
1 14 immunity.
1 15 The bill provides that, during a disaster or in the period
1 16 immediately following a disaster for which the governor has
1 17 issued a proclamation of disaster emergency, a person who in
1 18 good faith renders emergency assistance without compensation
1 19 shall not be liable for any civil damages for acts or
1 20 omissions occurring during the rendering of the emergency
1 21 assistance at the place of the disaster emergency unless such
1 22 acts or omissions constitute recklessness.
1 23 LSB 1879SC 83
1 24 tm/rj/8

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

Senate Study Bill 1100

SENATE FILE
BY (PROPOSED COMMITTEE ON REBUILD IOWA BILL BY CHAIRPERSON HOGG)

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

A BILL FOR

An Act relating to disaster recovery for businesses through the loan and guarantee program and other activities by the department of economic development and providing an effective date.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1844SC 83
tm/nh/8

Senate Study Bill 1100 continued

PAG LIN

1 1 Section 1. Section 15.108, subsection 9, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. g. By thirty days after the effective date
1 4 of this Act, establish, maintain, and market an internet
1 5 website for purposes of providing information regarding
1 6 federal, state, or other financial resources for Iowa
1 7 businesses. The internet website shall use a different domain
1 8 name than the domain name used by the department for other
1 9 departmental information dissemination.
1 10 Sec. 2. Section 15E.222, subsection 1, paragraphs a and c,
1 11 Code 2009, are amended to read as follows:
1 12 a. That in the midst of weak economic climates and during
1 13 recovery periods following natural disasters, small and
1 14 medium=sized businesses, ~~in general, and~~ certain targeted
1 15 industry businesses, businesses affected by disaster, and
1 16 other qualified businesses~~, in particular,~~ have a particularly
1 17 high need for capital and financing and may not qualify for
1 18 conventional financing.
1 19 c. That, to enhance competitiveness and foster economic
1 20 development, this state must focus on growth in certain
1 21 specific targeted industry businesses and other qualified
1 22 businesses, especially ~~during a time of war~~ in the midst of
1 23 weak economic climates and during recovery periods following
1 24 natural disasters.
1 25 Sec. 3. Section 15E.222, subsection 2, paragraphs a and b,
1 26 Code 2009, are amended to read as follows:
1 27 a. To create incentives and assistance to increase the
1 28 flow of private capital to targeted industry businesses,
1 29 businesses affected by disaster, and other qualified
1 30 businesses.
1 31 b. To promote industrial modernization and technology
1 32 adoption, particularly with respect to investment that
1 33 promotes environmental sustainability.
1 34 Sec. 4. Section 15E.222, subsection 2, Code 2009, is
1 35 amended by adding the following new paragraphs:

Senate Study Bill 1100 continued

2 1 NEW PARAGRAPH. e. To promote the stabilization and growth
2 2 of Iowa's economy.
2 3 NEW PARAGRAPH. f. To assist in the rebuilding of and
2 4 fostering economic growth in communities affected by natural
2 5 disasters.
2 6 Sec. 5. Section 15E.223, subsection 3, Code 2009, is
2 7 amended to read as follows:
2 8 3. a. "Qualified business" means ~~an~~ any of the following:
2 9 (1) An existing or proposed business entity with an annual
2 10 average number of employees not exceeding two hundred
2 11 employees.
2 12 (2) A business located in an area declared a disaster area
2 13 by the president of the United States.
2 14 (3) A business filling a critical need as determined by a
2 15 resolution of a city council provided the critical need is in
2 16 conformance with the comprehensive plan of the city and the
2 17 business is located in the city. For purposes of this
2 18 subparagraph, "located in the city" means a business located
2 19 within two miles of the city limits or within the city limits.
2 20 b. "Qualified business" does not include businesses
2 21 engaged primarily in retail sales, real estate, or the
2 22 provision of health care or other professional services.
2 23 c. "Qualified business" includes professional services
2 24 businesses that provide services to targeted industry
2 25 businesses or other entities.
2 26 Sec. 6. Section 15E.224, subsection 1, Code 2009, is
2 27 amended to read as follows:
2 28 1. The department shall establish and administer a loan
2 29 and credit guarantee program. The department, pursuant to
2 30 agreements with financial institutions, shall provide loan and
2 31 credit guarantees, or other forms of credit guarantees for
2 32 qualified businesses and targeted industry businesses for
2 33 eligible project costs. The department may invest up to ten
2 34 percent of the assets of the loan and credit guarantee fund,
2 35 or five hundred thousand dollars, whichever is greater, to

Senate Study Bill 1100 continued

3 1 provide loan and credit guarantees or other forms of credit
3 2 guarantees for eligible project costs to microenterprises
3 3 located in a municipality with a population under fifty
3 4 thousand that is not contiguous to a municipality with a
3 5 population of fifty thousand or more. For purposes of this
3 6 division, "microenterprise" means a business providing
3 7 services with five or fewer full=time equivalent employee
3 8 positions. A loan or credit guarantee provided under the
3 9 program may stand alone or may be used in conjunction with or
3 10 to enhance other loans or credit guarantees offered by
3 11 private, state, or federal entities. The department may
3 12 purchase insurance to cover defaulted loans meeting the
3 13 requirements of the program. However, the department shall
3 14 not in any manner directly or indirectly pledge the credit of
3 15 the state. Eligible project costs include expenditures for
3 16 productive equipment and machinery, working capital for
3 17 operations and export transactions, research and development,
3 18 marketing, improvements that increase the energy efficiency or
3 19 sustainability of a business, and such other costs as the
3 20 department may so designate. Eligible project costs include
3 21 improvements and repairs to property, including real property,
3 22 of a qualified business.
3 23 Sec. 7. Section 15E.224, subsection 6, Code 2009, is
3 24 amended by adding the following new paragraph:
3 25 NEW PARAGRAPH. e. That the loan or credit guarantee does
3 26 not invoke or pledge the credit of the state and that any
3 27 claim made pursuant to the loan or credit guarantee shall be
3 28 limited to the terms and amount of the loan or credit
3 29 guarantee and to the loan and credit guarantee fund.
3 30 Sec. 8. EFFECTIVE DATE. This Act, being deemed of
3 31 immediate importance, takes effect upon enactment.
3 32 EXPLANATION
3 33 This bill relates to disaster recovery for businesses.
3 34 The bill requires the department of economic development to
3 35 establish, maintain, and market an internet website for

Senate Study Bill 1100 continued

4 1 purposes of providing information regarding federal, state,
4 2 and other financial resources for Iowa businesses.
4 3 The bill expands the definition of "qualified business"
4 4 under the loan and credit guarantee program to include a
4 5 business located in an area declared a disaster area by the
4 6 president of the United States and a business filling a
4 7 critical need as determined by a city council provided the
4 8 critical need is in conformance with the comprehensive plan of
4 9 the city and the business is located in the city.
4 10 The bill provides that eligible costs under the loan and
4 11 credit guarantee program include costs for improvements that
4 12 increase energy efficiency or sustainability of a business and
4 13 costs for improvements and repairs to property, including real
4 14 property, of a qualified business.
4 15 The bill takes effect upon enactment.
4 16 LSB 1844SC 83
4 17 tm/nh/8

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

Senate Study Bill 1101

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

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

A BILL FOR

An Act relating to the accreditation of school districts and nonpublic schools and the reorganization of school districts.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1368XD 83
kh/sc/5

Senate Study Bill 1101 continued

PAG LIN

1 1 Section 1. Section 256.11, subsection 10, paragraph b,
1 2 subparagraph (5), Code 2009, is amended to read as follows:
1 3 (5) After visiting the school district or nonpublic
1 4 school, the accreditation committee shall determine whether
1 5 the accreditation standards have been met and shall make a
1 6 report to the director, together with a recommendation whether
1 7 the school district or nonpublic school shall remain
1 8 accredited. ~~The accreditation committee shall report~~
~~1 9 strengths and weaknesses, if any, for each standard and shall~~
~~1 10 advise the school or school district of available resources~~
~~1 11 and technical assistance to further enhance strengths and~~
~~1 12 improve areas of weakness. A school district or nonpublic~~
~~1 13 school shall be provided with the opportunity to respond to~~
~~1 14 the accreditation committee's report.~~ If the recommendation
1 15 is that a school district or nonpublic school not remain
1 16 accredited, the accreditation committee shall provide the
1 17 school district or nonpublic school with a report that
1 18 includes a list of all of the deficiencies, a plan prescribing
1 19 the actions that must be taken to correct the deficiencies,
1 20 and a deadline date for completion of the prescribed actions.
1 21 The accreditation committee shall advise the school district
1 22 or nonpublic school of available resources and technical
1 23 assistance to improve areas of weakness. The school district
1 24 or nonpublic school shall be provided with the opportunity to
1 25 respond to the accreditation committee's report. The director
1 26 shall review the accreditation committee's report and the
1 27 response of the school district or nonpublic school and shall
1 28 provide a report to the state board along with copies of the
1 29 accreditation committee's report, the response to the
1 30 accreditation committee's report, and other pertinent
1 31 information. At the request of the school district or
1 32 nonpublic school, the school district or nonpublic school may
1 33 appear before the state board and address the state board
1 34 directly regarding any part of the plan specified in the
1 35 report. The state board may modify the plan. During the

Senate Study Bill 1101 continued

2 1 period of time specified in the plan for its implementation by
2 2 a school district or nonpublic school, the school district or
2 3 school shall remain accredited.
2 4 Sec. 2. Section 256.11, subsections 11 and 12, Code 2009,
2 5 are amended by striking the subsections and inserting in lieu
2 6 thereof the following:
2 7 11. The accreditation committee shall revisit the school
2 8 district or nonpublic school and shall determine whether the
2 9 deficiencies in the standards have been corrected.
2 10 a. The accreditation team shall make a report and
2 11 recommendation to the director and the state board. The
2 12 committee recommendation shall specify whether the school
2 13 district or nonpublic school shall remain accredited or under
2 14 what conditions the district or nonpublic school may remain
2 15 accredited. The conditions may include but are not limited to
2 16 providing temporary oversight authority, operational
2 17 authority, or both oversight and operational authority to the
2 18 director and the state board for some or all aspects of the
2 19 school district or nonpublic school operation in order to
2 20 bring the school district or nonpublic school into compliance
2 21 with minimum standards.
2 22 b. The state board shall review the report and
2 23 recommendation, may request additional information, and shall
2 24 determine whether the deficiencies have been corrected.
2 25 c. If the deficiencies have not been corrected, and the
2 26 conditional accreditation alternatives contained in the report
2 27 are not mutually acceptable to the state board and the local
2 28 board or the administrators of the nonpublic school, the
2 29 following shall apply:
2 30 (1) In the case of a school district, the state board
2 31 shall merge the territory of the school district with one or
2 32 more contiguous school districts at the end of the school
2 33 year. The state board may place a district under receivership
2 34 for the remainder of the school year. The receivership shall
2 35 be under the direct supervision and authority of the area

Senate Study Bill 1101 continued

3 1 education agency in which the district is located. The
3 2 decision of whether to merge the school district and require
3 3 payment of tuition for the district's students or to place the
3 4 district under receivership shall be based upon a
3 5 determination by the state board of the best interests of the
3 6 students, parents, residents of the community, teachers,
3 7 administrators, and school district board members and upon the
3 8 recommendations of the accreditation committee and the
3 9 director.
3 10 (2) In the case of a nonpublic school, the state board may
3 11 declare a nonpublic school to be nonaccredited. The removal
3 12 of accreditation shall take effect on the date established by
3 13 the resolution of the state board, which shall be no later
3 14 than the end of the school year in which the nonpublic school
3 15 is declared to be nonaccredited.
3 16 12. If the state board removes accreditation from a school
3 17 district and merges the territory of the school district with
3 18 one or more contiguous school districts, the district whose
3 19 accreditation is removed ceases to exist as a school
3 20 corporation on the effective date set by the state board for
3 21 removal of accreditation. Notwithstanding any other provision
3 22 of law, the contiguous school districts receiving territory of
3 23 the former school district whose accreditation was removed are
3 24 not considered successor school corporations of the former
3 25 district.
3 26 a. Division of assets and liabilities of the school
3 27 district whose accreditation was removed shall be as provided
3 28 in sections 275.29 through 275.31.
3 29 (1) If one or more of the contiguous school districts
3 30 receiving assets and liabilities of the school district whose
3 31 accreditation was removed utilizes the equalization levy, only
3 32 that territory in the school district imposing the
3 33 equalization levy that comprises territory of the former
3 34 school district shall be taxed.
3 35 (2) Income surtax revenue and revenues generated by

Senate Study Bill 1101 continued

4 1 property taxes shall be distributed proportionately based on
4 2 taxable value of the territory received by one or more school
4 3 districts contiguous to the former school district whose
4 4 accreditation was removed.
4 5 (3) Revenues that are based on student enrollment shall be
4 6 distributed based on percentages of students of the school
4 7 district whose accreditation was removed who now reside in
4 8 territory received by one or more school districts contiguous
4 9 to the school district whose accreditation was removed.
4 10 b. Prior to the effective date set by the state board for
4 11 removal of accreditation, the school district whose
4 12 accreditation is to be removed shall remain responsible for,
4 13 and may retain such authority as is necessary to complete, all
4 14 of the following:
4 15 (1) Execution of one or more quitclaim deeds, in
4 16 fulfillment of the merger of territory received by one or more
4 17 contiguous school districts from the former school district
4 18 whose accreditation was removed.
4 19 (2) Preparation of and payment for a final audit of all
4 20 the district's financial accounts.
4 21 (3) Preparation and certification of a final certified
4 22 annual report to the department.
4 23 c. The provisions of section 275.57 apply when removal of
4 24 accreditation from a school district and merger of its
4 25 territory with a contiguous school district that is currently
4 26 divided into director districts leads to the formation of new
4 27 director districts.
4 28 Sec. 3. Section 275.31, Code 2009, is amended to read as
4 29 follows:
4 30 275.31 TAXES AND APPROPRIATION TO EFFECT EQUALIZATION.
4 31 1. If necessary to equalize the division and distribution,
4 32 the board or boards may provide for the levy of additional
4 33 taxes, which shall be sufficient to satisfy the mandatory levy
4 34 required in section 76.2 or other liabilities of the
4 35 districts, upon the property of a corporation or part of a

Senate Study Bill 1101 continued

5 1 corporation and for the distribution of the tax revenues so as
5 2 to effect equalization. When the board or boards are
5 3 considering the equalization levy, the division and
5 4 distribution shall not impair the security for outstanding
5 5 obligations of each affected corporation. ~~Any owner of bonds~~
~~5 6 of an affected corporation may bring suit in equity for~~
~~5 7 adjustment of the division and distribution in compliance with~~
~~5 8 this section. If the property tax levy for the amount~~
~~5 9 estimated and certified to apply on principal and interest on~~
~~5 10 lawful bonded indebtedness for a newly formed community school~~
~~5 11 district is greater than the property tax levy for the amount~~
~~5 12 estimated and certified to apply on principal and interest in~~
~~5 13 the year preceding the reorganization or dissolution for a~~
~~5 14 school district that is a party to the reorganization or~~
~~5 15 dissolution, that had a certified enrollment of less than six~~
~~5 16 hundred for the year prior to the reorganization or~~
~~5 17 dissolution, and that approved the reorganization or~~
~~5 18 dissolution prior to July 1, 1989, the board of the newly~~
~~5 19 formed district shall inform the department of management.~~
~~5 20 The department of management shall pay debt service aid to the~~
~~5 21 newly formed district in an amount that reduces the rate of~~
~~5 22 the property tax levy for lawful bonded indebtedness in the~~
~~5 23 portion of the newly formed district where the new rate is~~
~~5 24 higher, to the rate that was levied in that portion of the~~
~~5 25 district during the year preceding the reorganization or~~
~~5 26 dissolution.~~
5 27 ~~For the school year beginning July 1, 1987, and succeeding~~
~~5 28 school years, there is appropriated from the general fund of~~
~~5 29 the state to the department of management an amount sufficient~~
~~5 30 to pay the debt service aid under this section. Debt service~~
~~5 31 aid shall be paid in the manner provided in section 257.16.~~
5 32 2. ~~Not later than May 1 of each year, the department of~~
~~5 33 management shall inform the board of the newly formed school~~
~~5 34 district the amount of debt service aid that the district will~~
~~5 35 receive and the rate of the property tax levy for the amount~~

~~Senate Study Bill 1101 continued~~

~~6 1 estimated and certified to apply on principal and interest on~~
~~6 2 lawful bonded indebtedness in the portion of the newly formed~~
~~6 3 district where the new rate would have been higher, and for~~
~~6 4 the remainder of the newly formed district.~~ The ~~department of~~
~~6 5 management~~ newly formed school district shall notify the
6 6 county auditor of each applicable county of the amount, in
6 7 dollars and cents per thousand dollars of assessed valuation,
6 8 of the property tax levy in each portion of ~~each applicable~~
6 9 the newly formed school district in the county for the amount
6 10 estimated and certified to apply on principal and interest on
6 11 lawful bonded indebtedness, and the boundaries of the portions
6 12 within the newly formed district for which the levies shall be
6 13 made. The county auditor shall spread the applicable property
6 14 tax levy for each portion of a school district over all
6 15 taxable property in that portion of the district.
6 16 Sec. 4. Section 275.53, Code 2009, is amended to read as
6 17 follows:
6 18 275.53 DISSOLUTION PROPOSAL.
6 19 1. The commission shall send a copy of its dissolution
6 20 proposal or shall inform the board that it cannot agree upon a
6 21 dissolution proposal not later than one year following the
6 22 date of the organizational meeting of the commission. The
6 23 commission shall also send a copy of the dissolution proposal
6 24 ~~by registered mail~~ to the boards of directors of all school
6 25 districts to which area of the affected school district will
6 26 be attached. If the board of a district to which area of the
6 27 affected school district will be attached objects to the
6 28 attachment, within ten days following receipt of the
6 29 dissolution proposal the board shall send its objections in
6 30 writing to the commission. The commission may consider the
6 31 objections and may modify the dissolution proposal. If the
6 32 dissolution proposal is modified, the commission shall notify
6 33 ~~by registered mail~~ the boards of directors of all school
6 34 districts to which area of the affected school district will
6 35 be attached.

Senate Study Bill 1101 continued

7 1 2. Notifications required under subsection 1 shall be
7 2 delivered using one of the following methods:
7 3 a. Mail bearing a United States postal service postmark.
7 4 b. Hand delivery.
7 5 c. Facsimile transmission.
7 6 d. Electronic delivery.
7 7 3. If the commission cannot agree upon a dissolution
7 8 proposal prior to the expiration of its term, the board may
7 9 appoint a new commission.
7 10 Sec. 5. Section 275.54, Code 2009, is amended to read as
7 11 follows:
7 12 275.54 HEARING.
7 13 1. Within ten days following the filing of the dissolution
7 14 proposal with the board, the board shall fix a date for a
7 15 hearing on the proposal which shall not be more than sixty
7 16 days after the dissolution petition was filed with the board.
7 17 The board shall publish notice of the date, time, and location
7 18 of the hearing at least ten days prior to the date of the
7 19 hearing by one publication in a newspaper in general
7 20 circulation in the district. The notice shall include the
7 21 content of the dissolution proposal. A person residing or
7 22 owning land in the school district may present evidence and
7 23 arguments at the hearing. The president of the board shall
7 24 preside at the hearing. The board shall review testimony from
7 25 the hearing and shall adopt or amend and adopt the dissolution
7 26 proposal.
7 27 2. The board shall notify ~~by registered mail~~ the boards of
7 28 directors of all school districts to which area of the
7 29 affected school district will be attached and the director of
7 30 the department of education of the contents of the dissolution
7 31 proposal adopted by the board. The notification shall be
7 32 delivered using one of the following methods:
7 33 a. Mail bearing a United States postal service postmark.
7 34 b. Hand delivery.
7 35 c. Facsimile transmission.

Senate Study Bill 1101 continued

8 1 d. Electronic delivery.
8 2 3. If the board of a district to which area of the
8 3 affected school district will be attached objects to the
8 4 attachment, that portion of the dissolution proposal will not
8 5 be included in the proposal voted upon under section 275.55
8 6 and the director of the department of education shall attach
8 7 the area to a contiguous school district.
8 8 4. If the board of a district to which area of the
8 9 affected school district will be attached objects to the
8 10 division of assets and liabilities contained in the
8 11 dissolution proposal, ~~section 275.30 applies for the division~~
~~8 12 of assets and liabilities to that district~~ the matter shall be
8 13 decided by a panel of disinterested arbitrators. The panel
8 14 shall consist of one arbitrator selected by each affected
8 15 district objecting to the provisions of the dissolution
8 16 proposal, one selected by each affected district in favor of
8 17 the provisions of the dissolution proposal, and one selected
8 18 by each dissolving district. If the number of arbitrators
8 19 selected is even, a disinterested arbitrator shall be selected
8 20 by the administrator of the area education agency to which the
8 21 dissolving district or districts belong. The decision of the
8 22 arbitrators shall be made in writing and filed with the
8 23 secretary of the new corporation. A party to the proceedings
8 24 may appeal the decision to the district court by serving
8 25 notice on the secretary of the new school corporation within
8 26 twenty days after the decision is filed. The appeal shall be
8 27 tried in equity and a decree entered determining the entire
8 28 matter, including the levy, collection, and distribution of
8 29 any necessary taxes.
8 30 5. If a dissolution proposal adopted by a board contains
8 31 provisions that ninety=five percent or more of the taxable
8 32 valuation of the dissolving district would be assumed and
8 33 attached to a single school district, the dissolving school
8 34 district shall cease further proceedings to dissolve and shall
8 35 comply with reorganization procedures specified in this

Senate Study Bill 1101 continued

chapter.

Sec. 6. Section 275.55, subsections 1 and 2, Code 2009, are amended to read as follows:

1. After the final hearing on the dissolution proposal, the board of the school district shall submit the proposition to the voters at ~~an~~ the next election held on a date specified in section 39.2, subsection 4, paragraph "c". However, the date of the final hearing on the dissolution proposal must be not less than thirty nor more than sixty days before the election. The proposition submitted to the voters residing in the school district shall describe each separate area to be attached to a contiguous school district and shall name the school district to which it will be attached. In addition to the description, a map may be included in the summary of the question on the ballot.

2. The board shall give written notice of the ~~proposed date of the~~ election to the county commissioner of elections. The county commissioner of elections shall give notice of the election by one publication in the same newspaper in which the previous notice was published about the hearing, which publication shall not be less than four nor more than twenty days prior to the election.

EXPLANATION

This bill makes a number of changes relating to the accreditation of school districts and nonpublic schools and the reorganization of school districts.

The bill retains but moves specific language under the educational standards provision of the Code to new subsections and strikes language which requires a school district that has lost its accreditation to pay tuition for its resident students to an accredited school district.

The bill adds language to the educational standards provision relating to the utilization of the equalization levy by a school district receiving the assets and liabilities of a school district whose accreditation was removed, an

Senate Study Bill 1101 continued

10 1 arbitration process when the affected school districts cannot
10 2 agree to the division of assets and liabilities, income surtax
10 3 revenue and other revenues generated by property taxes in the
10 4 taxable land received by school districts contiguous to the
10 5 former school district, and the distribution of revenues based
10 6 on percentages of students in the former school district who
10 7 now reside in the territory received by other accredited
10 8 school districts. The bill also charges the former school
10 9 district with the responsibility and authority to complete
10 10 execution of quitclaim deeds in fulfillment of the merger of
10 11 territory, preparation of and payment for a final audit of the
10 12 former district's financial accounts, and preparation and
10 13 certification of a final certified annual report to the
10 14 department.
10 15 The bill strikes language which provided an appropriation
10 16 from the general fund of the state to pay the debt service aid
10 17 for school districts that merged after July 1, 1987.
10 18 Correspondingly, the bill requires a newly formed school
10 19 district, rather than the department of management, to notify
10 20 the county auditor of a district in which school districts
10 21 reorganized of the amount of the property tax levy in each
10 22 portion of the newly formed school district for the amount
10 23 estimated and certified to apply on principal and interest on
10 24 bonded indebtedness.
10 25 Finally, the bill makes the provisions of Code section
10 26 275.57, relating to changing director district boundaries
10 27 following dissolution, applicable when removal of
10 28 accreditation from a school district and merger of its
10 29 territory to one or more contiguous school districts leads to
10 30 the formation of new director districts.
10 31 LSB 1368XD 83
10 32 kh/sc/5

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

Senate Study Bill 1102

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH BILL)

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

A BILL FOR

An Act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1147DP 83
jr/rj/14

Senate Study Bill 1102 continued

PAG LIN

1 1 Section 1. Section 105.1, Code 2009, is amended to read as
1 2 follows:
1 3 105.1 TITLE.
1 4 This chapter may be known and cited as the "Iowa Plumber,
1 5 ~~and~~ Mechanical Professional, and Contractor Licensing Act".
1 6 Sec. 2. Section 105.2, subsections 2, 7, and 8, Code 2009,
1 7 are amended to read as follows:
1 8 2. "Board" means the plumbing and mechanical systems
1 9 ~~examining~~ board as established pursuant to section 105.3.
1 10 7. "HVAC" means heating, ventilation, ~~and~~ air conditioning
1 11 ~~in~~, and ducted systems. "HVAC" includes all natural, propane,
1 12 liquid propane, or other gas lines associated with any
1 13 component of an HVAC system.
1 14 8. "Hydronic" means a heating or cooling system that
1 15 transfers heating or cooling by circulating fluid through a
1 16 closed system, including boilers, pressure vessels,
1 17 refrigerated equipment in connection with chilled water
1 18 systems, all steam piping, hot or chilled water piping
1 19 together with all control devices and accessories, installed
1 20 as part of, or in connection with, any comfort heating or
1 21 comfort cooling system or appliance using a liquid, water, or
1 22 steam as the heating or cooling media. "Hydronic" includes
1 23 all low=pressure and high=pressure systems and all natural,
1 24 propane, liquid propane, or other gas lines associated with
1 25 any component of a hydronic system.
1 26 Sec. 3. Section 105.3, subsections 1, 6, and 7, Code 2009,
1 27 are amended to read as follows:
1 28 1. A plumbing and mechanical systems ~~examining~~ board is
1 29 created within the Iowa department of public health.
1 30 6. Members of the board shall receive actual expenses for
1 31 their duties as a member of the ~~examining~~ board. Each member
1 32 of the board may also be eligible to receive compensation as
1 33 provided in section 7E.6.
1 34 7. The board may maintain a membership in any national
1 35 organization of state ~~examining~~ boards for the professions of

Senate Study Bill 1102 continued

2 1 plumbing, HVAC, refrigeration, or hydronic professionals, with
2 2 all membership fees to be paid from funds appropriated to the
2 3 board.
2 4 Sec. 4. Section 105.3, subsection 2, paragraph a,
2 5 unnumbered paragraph 1, Code 2009, is amended to read as
2 6 follows:
2 7 The ~~examining~~ board shall be comprised of eleven members,
2 8 appointed by the governor, as follows:
2 9 Sec. 5. Section 105.4, Code 2009, is amended to read as
2 10 follows:
2 11 105.4 RULES.
2 12 1. The board shall establish by rule a plumbing
2 13 installation code governing the installation of plumbing in
2 14 this state.
2 15 2. The board shall adopt all rules necessary to carry out
2 16 the licensing and other provisions of this chapter.
2 17 Sec. 6. Section 105.5, Code 2009, is amended to read as
2 18 follows:
2 19 105.5 ~~APPLICATIONS FOR~~ EXAMINATIONS.
2 20 1. Any person desiring to take an examination for a
2 21 license issued pursuant to this chapter shall make application
2 22 to the board ~~at least fifteen days before the examination, on~~
~~2 23 a form provided by the board. The application shall be~~
~~2 24 accompanied by the examination fee and such documents and~~
~~2 25 affidavits as are necessary to show the eligibility of the~~
~~2 26 candidate to take the examination. All applications shall be~~
2 27 in accordance with the rules of ~~the department and~~ the board
2 28 ~~and shall be signed by the applicant~~. The board may require
2 29 that a recent photograph of the applicant be attached to the
2 30 application.
2 31 2. Applicants who fail to pass an examination shall be
2 32 allowed to retake the examination at a future scheduled time.
2 33 3. The board shall adopt rules relating to all of the
2 34 following:
2 35 a. The qualifications required for applicants seeking to

Senate Study Bill 1102 continued

3 1 take examinations, which qualifications shall include a
3 2 requirement that an applicant who is a contractor shall be
3 3 required to provide the contractor's state contractor
3 4 registration number.
3 5 b. The denial of applicants seeking to take examinations.
3 6 Sec. 7. Section 105.10, subsection 1, Code 2009, is
3 7 amended to read as follows:
3 8 1. Except as provided in section 105.11, a person shall
3 9 not operate as a contractor or install or repair plumbing,
3 10 HVAC, refrigeration, or hydronic systems without obtaining a
3 11 license issued by the board, or install or repair medical gas
3 12 piping systems without obtaining a valid certification
3 13 approved by the board.
3 14 Sec. 8. Section 105.10, Code 2009, is amended by adding
3 15 the following new subsection:
3 16 NEW SUBSECTION. 4. The board shall adopt rules to allow a
3 17 grace period for a contractor to operate a business described
3 18 in subsection 2 without employing a licensed master.
3 19 Sec. 9. Section 105.11, subsection 3, Code 2009, is
3 20 amended to read as follows:
3 21 3. Prohibit an owner of property from performing work on
3 22 the owner's principal residence, if such residence is an
3 23 existing dwelling rather than new construction and is not
3 24 larger than a single=family dwelling, or farm property,
3 25 excluding commercial or industrial installations or
3 26 installations in public use buildings or facilities, or
3 27 require such owner to be licensed under this chapter. In
3 28 order to qualify for inapplicability pursuant to this
3 29 subsection, a residence shall qualify for the homestead tax
3 30 exemption. ~~The provisions of this chapter shall also not be~~
~~3 31 construed to prohibit an owner or operator of a health care~~
~~3 32 facility licensed pursuant to chapter 135C, assisted living~~
~~3 33 center licensed pursuant to chapter 231C, hospital licensed~~
~~3 34 pursuant to chapter 135B, adult day care center licensed~~
~~3 35 pursuant to chapter 231D, or a retirement facility certified~~

~~Senate Study Bill 1102 continued~~

~~4 1 pursuant to chapter 523D from performing work on the facility~~
~~4 2 or require such owner or operator to be licensed under this~~
~~4 3 chapter.~~
4 4 Sec. 10. Section 105.11, subsection 9, Code 2009, is
4 5 amended to read as follows:
4 6 9. Apply to an employee of any unit of state or local
4 7 government, including but not limited to cities, counties, or
4 8 school corporations, performing routine maintenance, as
4 9 defined by rule, on a mechanical system or plumbing system,
4 10 which serves a ~~state=owned~~ government=owned or
4 11 government=leased facility while acting within the scope of
4 12 the ~~state~~ government employee's employment.
4 13 Sec. 11. Section 105.11, Code 2009, is amended by adding
4 14 the following new subsection:
4 15 NEW SUBSECTION. 11. Prohibit an owner or operator of a
4 16 hospital licensed pursuant to chapter 135B, health care
4 17 facility licensed pursuant to chapter 135C, assisted living
4 18 center licensed pursuant to chapter 231C, adult day care
4 19 center licensed pursuant to chapter 231D, or a retirement
4 20 facility certified pursuant to chapter 523D from performing
4 21 routine maintenance work on the facility.
4 22 Sec. 12. Section 105.12, Code 2009, is amended to read as
4 23 follows:
4 24 105.12 FORM OF LICENSE.
4 25 1. A contracting, plumbing, HVAC, refrigeration, or
4 26 hydronic license shall be in the form of a certificate under
4 27 the seal of the department, signed by the director of public
4 28 health, and shall be issued in the name of the board. The
4 29 license number ~~of the book and page of the registry containing~~
~~4 30 the entry of the license in the office of the department~~ shall
4 31 be noted on the face of the license.
4 32 2. In addition to the certificate, the ~~department~~ board
4 33 shall provide each licensee with a wallet=sized licensing
4 34 identification card.
4 35 Sec. 13. Section 105.14, Code 2009, is amended to read as

Senate Study Bill 1102 continued

5 1 follows:
5 2 105.14 DISPLAY OF ~~MASTER~~ CONTRACTOR LICENSE.
5 3 A person holding a ~~master~~ contractor license under this
5 4 chapter shall keep the current license certificate publicly
5 5 displayed in the primary place in which the person practices.
5 6 Sec. 14. Section 105.15, Code 2009, is amended to read as
5 7 follows:
5 8 105.15 REGISTRY OF LICENSES.
5 9 The name, location, ~~and number of years of practice~~ license
5 10 number, and date of issuance of the license of ~~the~~ each person
5 11 to whom ~~the~~ a license has been issued~~, the number of the~~
5 12 ~~certificate, and the date of registration thereof~~ shall be
5 13 entered in a registry kept in the office of the department to
5 14 be known as the plumbing, HVAC, refrigeration, or hydronic
5 15 registry. The registry may be electronic and shall be open to
5 16 public inspection; however, the licensee's home address ~~of the~~
5 17 ~~licensee~~, home telephone number, and other personal
5 18 information as determined by rule shall be confidential.
5 19 Sec. 15. Section 105.16, Code 2009, is amended to read as
5 20 follows:
5 21 105.16 CHANGE OF RESIDENCE.
5 22 If a person licensed to practice as a contractor or a
5 23 plumbing, HVAC, refrigeration, or hydronic professional under
5 24 this chapter changes ~~their~~ the person's residence or place of
5 25 practice, the person shall so notify the ~~department~~ board.
5 26 Sec. 16. Section 105.17, subsection 1, Code 2009, is
5 27 amended to read as follows:
5 28 1. The provisions of this chapter regarding the licensing
5 29 of plumbing, HVAC, refrigeration, and hydronic professionals
5 30 and contractors shall supersede and preempt all plumbing,
5 31 HVAC, refrigeration, ~~or~~ hydronic, and contracting licensing
5 32 provisions of all governmental subdivisions.
5 33 a. A governmental subdivision that issues licenses on July
5 34 1, 2008, shall continue to issue licenses until June 30, 2009.
5 35 On July 1, 2009, all plumbing and mechanical licensing

Senate Study Bill 1102 continued

provisions promulgated by any governmental subdivision shall be null and void, except reciprocal licenses as provided in section 105.21, and of no further force and effect.

b. On and after July 1, 2008, a governmental subdivision shall not prohibit a contractor or a plumbing, HVAC, refrigeration, or hydronic professional licensed pursuant to this chapter from performing services for which that person is licensed pursuant to this chapter or enforce any plumbing and mechanical licensing provisions promulgated by the governmental subdivision against a person licensed pursuant to this chapter.

Sec. 17. Section 105.18, Code 2009, is amended to read as follows:

105.18 QUALIFICATIONS AND TYPES OF LICENSES ISSUED.

1. GENERAL QUALIFICATIONS. The board shall adopt, by rule, general qualifications for licensure. The board may consider the past felony record of an applicant only if the felony conviction relates ~~directly~~ to the practice of the profession for which the applicant requests to be licensed. ~~Character references~~ References may be required as part of the licensing process~~, but shall not be obtained from licensed members of the plumbing or mechanical profession~~.

2. PLUMBING, HVAC, REFRIGERATION, AND HYDRONIC LICENSES AND CONTRACTOR LICENSES. The board shall issue separate licenses for plumbing, HVAC, refrigeration, and hydronic professionals and for contractors as follows:

a. Apprentice license. In order to be licensed by the ~~department~~ board as an apprentice, a person shall do all of the following:

(1) File an application, which application shall establish that the person meets the minimum requirements adopted by the board.

(2) Certify that the person will work under the supervision of a licensed journeyperson or master in the applicable discipline.

Senate Study Bill 1102 continued

7 1 (3) Be enrolled in an applicable apprentice program which
7 2 is registered with the United States department of labor
7 3 office of apprenticeship.
7 4 b. Journeyperson license. In order to be licensed by the
7 5 ~~department~~ board as a journeyperson in the applicable
7 6 discipline, a person shall do all of the following:
7 7 (1) File an application and pay application fees as
7 8 established by the board, which application shall establish
7 9 that the person meets the minimum educational and experience
7 10 requirements adopted by the board.
7 11 (2) Pass the state journeyperson licensing examination in
7 12 the applicable discipline.
7 13 (3) Provide the board with evidence of having completed at
7 14 least four years of practical experience as an apprentice.
7 15 Commencing January 1, 2010, the four years of practical
7 16 experience required by this subparagraph must be an
7 17 apprenticeship training program registered by the ~~bureau of~~
~~7 18 apprenticeship and training of the~~ United States department of
7 19 labor office of apprenticeship.
7 20 c. Master license. In order to be licensed by the
7 21 ~~department~~ board as a master, a person shall do all of the
7 22 following:
7 23 (1) File an application and pay application fees as
7 24 established by the board, which application shall establish
7 25 that the person meets the minimum educational and experience
7 26 requirements adopted by the board.
7 27 (2) Pass the state master licensing examination for the
7 28 applicable discipline.
7 29 (3) Provide evidence to the ~~examining~~ board that the
7 30 person has previously been a licensed journeyperson or master
7 31 in the applicable discipline ~~or satisfies all requirements for~~
~~7 32 licensure as a journeyperson in the applicable discipline~~.
7 33 ~~(4) Provide evidence of public liability insurance~~
~~7 34 pursuant to section 105.19.~~
7 35 d. Contractor license. In order to be licensed by the

Senate Study Bill 1102 continued

8 1 board as a contractor, a person shall do all of the following:
8 2 (1) File an application and pay application fees as
8 3 established by the board, which application shall provide the
8 4 person's state contractor registration number and establish
8 5 that the person meets the minimum requirements adopted by the
8 6 board.
8 7 (2) Maintain a permanent place of business.
8 8 (3) Hold a master license or employ at least one person
8 9 holding a master license under this chapter.
8 10 3. COMBINED LICENSES, RESTRICTED LICENSES.
8 11 a. The ~~department~~ board may issue single or combined
8 12 licenses to persons who qualify as a contractor, master,
8 13 journeyperson, or apprentice under any of the disciplines.
8 14 b. Special, restricted license. The board may by rule
8 15 provide for the issuance of special plumbing and mechanical
8 16 professional licenses authorizing the licensee to engage in a
8 17 limited class or classes of plumbing or mechanical
8 18 professional work, which class or classes shall be specified
8 19 on the license. Each licensee shall have experience,
8 20 acceptable to the board, in each such limited class of for
8 21 which the person is licensed.
8 22 4. WAIVER. Notwithstanding section 17A.9A, the board
8 23 shall through December 31, 2009, waive the written examination
8 24 requirements ~~set forth in this section~~ and prior experience
8 25 requirements in subsection 2, paragraph "b", subparagraph (3),
8 26 and subsection 2, paragraph "c", subparagraph (3), for a
8 27 journeyperson or master license if the applicant meets either
8 28 of the following requirements:
8 29 a. The applicant meets both of the following requirements:
8 30 (1) The applicant has previously passed a written
8 31 examination which the board deems to be substantially similar
8 32 to the licensing examination otherwise required by the board
8 33 to obtain the applicable license.
8 34 (2) The applicant has completed at least eight classroom
8 35 hours of continuing education in courses or seminars approved

Senate Study Bill 1102 continued

9 1 by the board within the two=year period immediately preceding
9 2 the date of the applicant's license application.
9 3 b. The applicant can demonstrate to the satisfaction of
9 4 the board that the applicant has five or more years of
9 5 experience prior to July 1, 2008, in the plumbing, HVAC,
9 6 refrigeration, or hydronic business, as applicable, which
9 7 experience is of a nature that the board deems to be
9 8 sufficient to demonstrate continuous professional competency
9 9 consistent with that expected of an individual who passes the
9 10 applicable licensing examination which the applicant would
9 11 otherwise be required to pass.
9 12 Sec. 18. Section 105.19, subsections 1 and 3, Code 2009,
9 13 are amended to read as follows:
9 14 1. An applicant for a ~~master~~ contractor license or renewal
9 15 of an active ~~master~~ contractor license shall provide evidence
9 16 of a public liability insurance policy and surety bond in an
9 17 amount determined sufficient by the board by rule.
9 18 3. The insurance and surety bond shall be written by an
9 19 entity licensed to do business in this state and each licensed
9 20 ~~master~~ contractor shall maintain on file with the ~~department~~
9 21 board a certificate evidencing the insurance providing that
9 22 the insurance or surety bond shall not be canceled without the
9 23 entity first giving fifteen days written notice to the
9 24 ~~department~~ board.
9 25 Sec. 19. Section 105.20, Code 2009, is amended to read as
9 26 follows:
9 27 105.20 RENEWAL AND REINSTATEMENT OF LICENSES == FEES AND
9 28 PENALTIES == CONTINUING EDUCATION.
9 29 1. ~~A license issued pursuant to this chapter shall be~~
~~9 30 issued for a term of two years.~~ Licenses issued by the board
9 31 shall expire in intervals as determined by the board.
9 32 2. A license issued under this chapter may be renewed as
9 33 provided by rule adopted by the board upon application by the
9 34 licensee, without examination. Applications for renewal shall
9 35 be made ~~in writing~~ to the ~~department~~ board, accompanied by the

Senate Study Bill 1102 continued

10 1 required renewal licensing fee, at least thirty days prior to
10 2 the expiration date of the license.
10 3 ~~3. A renewal license shall be displayed in connection with~~
~~10 4 the original license.~~
10 5 ~~4.~~ 3. The ~~department~~ board shall notify each licensee by
10 6 mail at least sixty days prior to the expiration of a license.
10 7 ~~5.~~ 4. Failure to renew a license within a reasonable time
10 8 after the expiration of the license shall not invalidate the
10 9 license, but a reasonable penalty may be assessed as adopted
10 10 by rule, in addition to the license renewal fee, to allow
10 11 reinstatement of the license.
10 12 ~~6. A licensee who allows a license to lapse for a period~~
~~10 13 of one month or less may reinstate and renew the license~~
~~10 14 without examination upon the recommendation of the board and~~
~~10 15 upon payment of the applicable renewal and reinstatement fees.~~
10 16 ~~7.~~ 5. The board shall, by rule, establish a reinstatement
10 17 process for a licensee who allows a license to lapse ~~for a~~
~~10 18 period greater than one month~~, including reasonable penalties.
10 19 ~~8.~~ 6. The board shall establish continuing education
10 20 requirements pursuant to section 272C.2. The basic continuing
10 21 education requirement for renewal of a license shall be the
10 22 completion, during the immediately preceding license term, of
10 23 the number of classroom hours of instruction required by the
10 24 board in courses or seminars which have been approved by the
10 25 board. The board shall require at least eight classroom hours
10 26 of instruction during each ~~two=year~~ licensing term.
10 27 Sec. 20. Section 105.21, Code 2009, is amended to read as
10 28 follows:
10 29 105.21 RECIPROCAL LICENSES.
10 30 The board may license without examination a nonresident
10 31 applicant who is licensed under plumbing, HVAC, refrigeration,
10 32 or hydronic professional licensing statutes of another state
10 33 having similar licensing requirements as those set forth in
10 34 this chapter and the rules adopted under this chapter if the
10 35 other state grants the same reciprocal licensing privileges to

Senate Study Bill 1102 continued

11 1 residents of Iowa who have obtained Iowa plumbing or
11 2 mechanical professional licenses under this chapter. The
11 3 ~~department and the~~ board shall adopt the necessary rules, not
11 4 inconsistent with the law, for carrying out the reciprocal
11 5 relations with other states which are authorized by this
11 6 chapter.
11 7 Sec. 21. Section 105.22, unnumbered paragraph 1, Code
11 8 2009, is amended to read as follows:
11 9 A license to practice as a contractor or as a plumbing,
11 10 HVAC, refrigeration, or hydronic professional may be revoked
11 11 or suspended, or an application for licensure may be denied
11 12 pursuant to procedures established pursuant to chapter 272C by
11 13 the board, or the licensee may be otherwise disciplined in
11 14 accordance with that chapter, when the licensee commits any of
11 15 the following acts or offenses:
11 16 Sec. 22. Section 105.23, Code 2009, is amended to read as
11 17 follows:
11 18 105.23 JURISDICTION OF REVOCATION AND SUSPENSION
11 19 PROCEEDINGS.
11 20 The board shall have exclusive jurisdiction of all
11 21 proceedings to revoke or suspend a license issued pursuant to
11 22 this chapter. The board may initiate proceedings under this
11 23 chapter or chapter 272C, following procedures set out in
11 24 section 272C.6, either on its own motion or on the complaint
11 25 of any person. ~~Before scheduling a hearing, the board may~~
~~11 26 request the department to conduct an investigation into the~~
~~11 27 charges to be addressed at the board hearing. The department~~
~~11 28 shall report its findings to the board.~~ The board, in
11 29 connection with a proceeding under this chapter, may issue
11 30 subpoenas to compel attendance and testimony of witnesses and
11 31 the disclosure of evidence, and may request the attorney
11 32 general to bring an action to enforce the subpoena.
11 33 Sec. 23. Section 105.25, subsections 1, 3, and 4, Code
11 34 2009, are amended to read as follows:
11 35 1. Only a person who is duly licensed pursuant to this

Senate Study Bill 1102 continued

12 1 chapter may advertise the fact that the person is licensed as
12 2 a contractor or as a plumbing, HVAC, refrigeration, or
12 3 hydronic professional by the state of Iowa.
12 4 3. A person who fraudulently claims to be a licensed
12 5 contractor or a licensed plumbing, HVAC, refrigeration, or
12 6 hydronic professional pursuant to this chapter, either in
12 7 writing, cards, signs, circulars, advertisements, or other
12 8 communications, is guilty of a simple misdemeanor.
12 9 4. A person who fraudulently lists a contractor or a
12 10 master plumbing, HVAC, refrigeration, or hydronic license
12 11 number in connection with that person's advertising or falsely
12 12 displays a contractor or a master plumbing, HVAC,
12 13 refrigeration, or hydronic professional license number is
12 14 guilty of a simple misdemeanor. In order to be entitled to
12 15 use a license number of a master plumbing, HVAC,
12 16 refrigeration, or hydronic professional, the master plumbing,
12 17 HVAC, refrigeration, or hydronic professional must be employed
12 18 by the person in whose name the business of designing,
12 19 installing, or repairing plumbing or mechanical systems is
12 20 being conducted.
12 21 Sec. 24. Section 105.27, subsection 1, Code 2009, is
12 22 amended to read as follows:
12 23 1. In addition to any other penalties provided for in this
12 24 chapter, the board may, by order, impose a civil penalty, not
12 25 to exceed five thousand dollars per offense, upon a person
12 26 violating any provision of this chapter. Each day of a
12 27 continued violation constitutes a separate offense, except
12 28 that offenses resulting from the same or common facts or
12 29 circumstances shall be considered a single offense. Before
12 30 issuing an order under this section, the board shall provide
12 31 the person written notice and the opportunity to request a
12 32 hearing on the record. The hearing must be requested within
12 33 thirty days of the issuance of the notice.
12 34 Sec. 25. Section 105.28, Code 2009, is amended to read as
12 35 follows:

Senate Study Bill 1102 continued

13 1 105.28 ENFORCEMENT.
13 2 The ~~department~~ board shall enforce the provisions of this
13 3 chapter ~~and for that purpose may request the department of~~
~~13 4 inspections and appeals to make necessary investigations~~.
13 5 Every licensee and member of the board shall furnish the
13 6 ~~department or the department of inspections and appeals~~ board
13 7 such evidence as the licensee or member may have relative to
13 8 any alleged violation which is being investigated.
13 9 Sec. 26. Section 105.29, Code 2009, is amended to read as
13 10 follows:
13 11 105.29 REPORT OF VIOLATORS.
13 12 Every licensee and every member of the board shall report
13 13 to the ~~department~~ board the name of every person who is
13 14 practicing as a contractor or as a plumber or mechanical
13 15 professional without a license issued pursuant to this chapter
13 16 pursuant to the knowledge or reasonable belief of the person
13 17 making the report. The opening of an office or place of
13 18 business for the purpose of providing any services for which a
13 19 license is required by this chapter, the announcing to the
13 20 public in any way the intention to provide any such service,
13 21 the use of any professional designation, or the use of any
13 22 sign, card, circular, device, vehicle, or advertisement, as a
13 23 provider of any such services shall be prima facie evidence of
13 24 engaging in the practice of a contractor or a plumber or
13 25 mechanical professional.
13 26 Sec. 27. Section 105.30, Code 2009, is amended to read as
13 27 follows:
13 28 105.30 ATTORNEY GENERAL.
13 29 Upon request of the ~~department~~ board, the attorney general
13 30 shall institute in the name of the state the proper
13 31 proceedings against any person charged by the department with
13 32 violating any provision of this chapter.
13 33 Sec. 28. Section 135.11, subsection 5, Code 2009, is
13 34 amended by striking the subsection.
13 35 Sec. 29. Section 272C.1, subsection 6, paragraph ae, Code

Senate Study Bill 1102 continued

14 1 2009, is amended to read as follows:
14 2 ae. The plumbing and mechanical systems ~~examining~~ board,
14 3 created pursuant to chapter 105.
14 4 Sec. 30. Sections 105.6, 105.7, and 105.8, Code 2009, are
14 5 repealed.
14 6 Sec. 31. APPLICABILITY == PRIOR ACTIONS VOID. Sections
14 7 105.22 through 105.30, Code 2009, as amended by this Act,
14 8 shall be applicable only on and after July 1, 2009, and any
14 9 actions taken under those sections prior to July 1, 2009,
14 10 shall be void.
14 11 EXPLANATION
14 12 This bill contains several revisions to the 2007
14 13 legislation providing for the licensing and regulation of
14 14 plumbers and mechanical professionals. The word "examiner" is
14 15 removed from the name of the plumbing and mechanical systems
14 16 examining board to be consistent with the department of public
14 17 health's 19 other licensure boards.
14 18 Many of the changes are technical or administrative in
14 19 nature and several represent changes in the licensing law
14 20 itself:
14 21 1. The bill gives the board authority to adopt and enforce
14 22 the state plumbing code, currently under the jurisdiction of
14 23 the department.
14 24 2. The bill requires that a contractor be licensed.
14 25 3. The bill specifies that the board cannot impose a civil
14 26 penalty exceeding $5,000 per offense.
14 27 4. The bill delays the applicability enforcement
14 28 provisions of the licensing law until July 1, 2009.
14 29 Other administrative changes include revising Code language
14 30 relating to examinations; Code section 105.5, relating to
14 31 application is revised and Code sections 105.6, 105.7, and
14 32 105.8 are repealed. These provisions currently provide detail
14 33 to the examination process. Under the bill, the board will
14 34 provide detail to this process in rule. Other changes relate
14 35 to license renewal and continuing education.

Senate Study Bill 1102 continued

15 1 Existing language in Code section 105.11 allows owners or
15 2 operators of certain health care facilities and institutions
15 3 to perform work within their buildings; the bill specifies
15 4 that such work relates to routine maintenance and moves this
15 5 language into its own subsection.
15 6 The bill postpones the applicability of Code sections
15 7 105.22 through 105.30 until July 1, 2009. These Code sections
15 8 relate to the imposition of licensee discipline and the
15 9 general enforcement of Code chapter 105.
15 10 LSB 1147DP 83
15 11 jr/rj/14.1

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

Senate Study Bill 1103

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH BILL)

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

A BILL FOR

An Act relating to the public health system by providing for the voluntary accreditation of certain public health agencies, the adoption of Iowa public health standards, the establishment of an accreditation data collection system, creating a fund, and providing for a penalty and an effective date.

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

TLSB 1148DP 83
jr/nh/5

Senate Study Bill 1103 continued

PAG LIN

1 1 Section 1. LEGISLATIVE FINDINGS AND INTENT == PURPOSE.
1 2 The general assembly finds all of the following:
1 3 1. A sound public health system is vital to the good
1 4 health of all Iowans. Iowa's public health system reduces
1 5 health care costs by promoting healthy behaviors, preventing
1 6 disease and injury, and protecting the health of the
1 7 population.
1 8 2. The current foundation and organizational capacity for
1 9 the governmental public health system does not allow for the
1 10 equitable delivery of public health services. Governmental
1 11 public health is provided by county boards of health, city
1 12 boards of health, one district board of health, the state
1 13 board of health, and the department. Varying degrees of
1 14 authority, administration, and organizational capacity for
1 15 providing public health services exist from community to
1 16 community.
1 17 3. This Act will allow boards of health, designated local
1 18 public health agencies, and the department to increase system
1 19 capacity, improve the equitable delivery of public health
1 20 services, address quality improvement, improve system
1 21 performance, and provide a foundation to measure outcomes
1 22 through a voluntary accreditation program. This Act will
1 23 assure the public of the availability of a basic level of
1 24 public health service in every community.
1 25 4. This Act is the result of extensive collaboration among
1 26 governmental public health entities, including local boards of
1 27 health, local public health agencies, the department, and the
1 28 state board of health; academia; and professional
1 29 associations.
1 30 Sec. 2. NEW SECTION. 135A.1 SHORT TITLE.
1 31 This chapter shall be known and may be cited as the "Iowa
1 32 Public Health Modernization Act".
1 33 Sec. 3. NEW SECTION. 135A.2 DEFINITIONS.
1 34 As used in this chapter, unless the context otherwise
1 35 requires, the following definitions apply:

Senate Study Bill 1103 continued

2 1 1. "Academic institution" means an institution of higher
2 2 education in the state which grants undergraduate and
2 3 postgraduate degrees and is accredited by a nationally
2 4 recognized accrediting agency as determined by the United
2 5 States secretary of education. For purposes of this
2 6 definition, "accredited" means a certification of the quality
2 7 of an institution of higher education.
2 8 2. "Accrediting entity" means a legal, independent,
2 9 nonprofit or governmental entity or entities approved by the
2 10 state board of health for the purpose of accrediting
2 11 designated local public health agencies and the department
2 12 pursuant to the voluntary accreditation program developed
2 13 under this chapter.
2 14 3. "Administration" means the operational procedures,
2 15 personnel and fiscal management systems, and facility
2 16 requirements that must be in place for the delivery and
2 17 assurance of public health services.
2 18 4. "Committee" means the governmental public health
2 19 evaluation committee as established in this chapter.
2 20 5. "Communication and information technology" means the
2 21 processes, procedures, and equipment needed to provide public
2 22 information and transmit and receive information among public
2 23 health entities and community partners; and applies to the
2 24 procedures, physical hardware, and software required to
2 25 transmit, receive, and process electronic information.
2 26 6. "Council" means the governmental public health advisory
2 27 council as established in this chapter.
2 28 7. "Department" means the department of public health.
2 29 8. "Designated local public health agency" means an entity
2 30 that is either governed by or contractually responsible to a
2 31 local board of health and designated by the local board to
2 32 comply with the Iowa public health standards for a
2 33 jurisdiction.
2 34 9. "Governance" means the functions and responsibilities
2 35 of the local boards of health and the state board of health to

Senate Study Bill 1103 continued

3 1 oversee governmental public health matters.
3 2 10. "Governmental public health system" means the system
3 3 described in section 135A.6.
3 4 11. "Iowa public health standards" means the governmental
3 5 public health standards adopted by rule by the state board of
3 6 health.
3 7 12. "Local board of health" means a county or district
3 8 board of health.
3 9 13. "Organizational capacity" means the governmental
3 10 public health infrastructure that must be in place in order to
3 11 deliver public health services.
3 12 14. "Public health region" means, at a minimum, one of six
3 13 geographical areas approved by the state board of health for
3 14 the purposes of coordination, resource sharing, and planning
3 15 and to improve delivery of public health services.
3 16 15. "Public health services" means the basic public health
3 17 services that all Iowans should reasonably expect to be
3 18 provided by designated local public health agencies and the
3 19 department.
3 20 16. "Voluntary accreditation" means verification of a
3 21 designated local public health agency or the department that
3 22 demonstrates compliance with the Iowa public health standards
3 23 by an accrediting entity.
3 24 17. "Workforce" means the necessary qualified and
3 25 competent staff required to deliver public health services.
3 26 Sec. 4. NEW SECTION. 135A.3 GOVERNMENTAL PUBLIC HEALTH
3 27 SYSTEM MODERNIZATION == LEAD AGENCY.
3 28 1. The department is designated as the lead agency in this
3 29 state to administer this chapter.
3 30 2. The department, in collaboration with the governmental
3 31 public health advisory council and the governmental public
3 32 health evaluation committee, shall coordinate implementation
3 33 of this chapter including but not limited to the voluntary
3 34 accreditation of designated local public health agencies and
3 35 the department in accordance with the Iowa public health

Senate Study Bill 1103 continued

4 1 standards. Such implementation shall include evaluation of
4 2 and quality improvement measures for the governmental public
4 3 health system.
4 4 Sec. 5. NEW SECTION. 135A.4 GOVERNMENTAL PUBLIC HEALTH
4 5 ADVISORY COUNCIL.
4 6 1. A governmental public health advisory council is
4 7 established to advise the department and make policy
4 8 recommendations to the director of the department concerning
4 9 administration, implementation, and coordination of this
4 10 chapter and to make recommendations to the department
4 11 regarding the governmental public health system. The council
4 12 shall meet at a minimum of quarterly. The council shall
4 13 consist of no fewer than fifteen members and no greater than
4 14 twenty=three members. The members shall be appointed by the
4 15 director. The director may solicit and consider
4 16 recommendations from professional organizations, associations,
4 17 and academic institutions in making appointments to the
4 18 council.
4 19 2. Council members shall not be members of the
4 20 governmental public health evaluation committee.
4 21 3. Council members shall serve for a term of two years and
4 22 may be reappointed for a maximum of three consecutive terms.
4 23 Initial appointment shall be in staggered terms. Vacancies
4 24 shall be filled for the remainder of the original appointment.
4 25 4. The membership of the council shall satisfy all of the
4 26 following requirements:
4 27 a. One member who has expertise in injury prevention.
4 28 b. One member who has expertise in environmental health.
4 29 c. One member who has expertise in emergency preparedness.
4 30 d. One member who has expertise in health promotion and
4 31 chronic disease prevention.
4 32 e. One member who has epidemiological expertise in
4 33 communicable and infectious disease prevention and control.
4 34 f. One member representing each of Iowa's six public
4 35 health regions who is an employee of a designated local public

Senate Study Bill 1103 continued

5 1 health agency or member of a local board of health. Such
5 2 members shall include a minimum of one local public health
5 3 administrator and one physician member of a local board of
5 4 health.
5 5 g. Two members who are representatives of the department.
5 6 h. The director of the state hygienic laboratory at the
5 7 university of Iowa, or the director's designee.
5 8 i. At least one representative from academic institutions
5 9 which grant undergraduate and postgraduate degrees in public
5 10 health or other related health field and are accredited by a
5 11 nationally recognized accrediting agency as determined by the
5 12 United States secretary of education. For purposes of this
5 13 paragraph, "accredited" means a certification of the quality
5 14 of an institution of higher education.
5 15 j. Two members who serve on a county board of supervisors.
5 16 k. Four nonvoting, ex officio members who shall consist of
5 17 four members of the general assembly, two from the senate and
5 18 two from the house of representatives, with not more than one
5 19 member from each chamber being from the same political party.
5 20 The two senators shall be designated one member each by the
5 21 majority leader of the senate after consultation with the
5 22 president and by the minority leader of the senate. The two
5 23 representatives shall be designated one member each by the
5 24 speaker of the house of representatives after consultation
5 25 with the majority leader of the house of representatives and
5 26 by the minority leader of the house of representatives.
5 27 l. A member of the state board of health who shall be a
5 28 nonvoting, ex officio member.
5 29 5. The council may utilize other relevant public health
5 30 expertise when necessary to carry out its roles and
5 31 responsibilities.
5 32 6. The council shall do all of the following:
5 33 a. Advise the department and make policy recommendations
5 34 to the director of the department concerning administration,
5 35 implementation, and coordination of this chapter and the

Senate Study Bill 1103 continued

6 1 governmental public health system.
6 2 b. Propose to the director public health standards that
6 3 should be utilized for voluntary accreditation of designated
6 4 local public health agencies and the department that include
6 5 but are not limited to the organizational capacity and public
6 6 health service components described in section 135A.6,
6 7 subsection 1, by October 1, 2009.
6 8 c. Recommend to the department an accrediting entity and
6 9 identify the roles and responsibilities for the oversight and
6 10 implementation of the voluntary accreditation of designated
6 11 local public health agencies and the department by January 2,
6 12 2010. This shall include completion of a pilot accreditation
6 13 process for one designated local public health agency and the
6 14 department by July 1, 2011.
6 15 d. Recommend to the director strategies to implement
6 16 voluntary accreditation of designated local public health
6 17 agencies and the department effective January 2, 2012.
6 18 e. Periodically review and make recommendations to the
6 19 department regarding revisions to the public health standards
6 20 pursuant to paragraph "b", as needed and based on reports
6 21 prepared by the governmental public health evaluation
6 22 committee pursuant to section 135A.5.
6 23 f. Review rules developed and adopted by the state board
6 24 of health under this chapter and make recommendations to the
6 25 department for revisions to further promote implementation of
6 26 this chapter and modernization of the governmental public
6 27 health system.
6 28 g. Form and utilize subcommittees as necessary to carry
6 29 out the duties of the council.
6 30 Sec. 6. NEW SECTION. 135A.5 GOVERNMENTAL PUBLIC HEALTH
6 31 EVALUATION COMMITTEE.
6 32 1. A governmental public health evaluation committee is
6 33 established to develop, implement, and evaluate the
6 34 governmental public health system and voluntary accreditation
6 35 program. The committee shall meet at least quarterly. The

Senate Study Bill 1103 continued

7 1 committee shall consist of no fewer than eleven members and no
7 2 greater than thirteen members. The members shall be appointed
7 3 by the director of the department. The director may solicit
7 4 and consider recommendations from professional organizations,
7 5 associations, and academic institutions in making appointments
7 6 to the committee.
7 7 2. Committee members shall not be members of the
7 8 governmental public health advisory council.
7 9 3. Committee members shall serve for a term of two years
7 10 and may be reappointed for a maximum of three consecutive
7 11 terms. Initial appointment shall be in staggered terms.
7 12 Vacancies shall be filled for the remainder of the original
7 13 appointment.
7 14 4. The membership of the committee shall satisfy all of
7 15 the following requirements:
7 16 a. At least one member representing each of Iowa's six
7 17 public health regions. Each representative shall be an
7 18 employee or administrator of a designated local public health
7 19 agency or a member of a local board of health. Such members
7 20 shall be appointed to ensure expertise in the areas of
7 21 communicable and infectious diseases, environmental health,
7 22 injury prevention, healthy behaviors, and emergency
7 23 preparedness.
7 24 b. Two members who are representatives of the department.
7 25 c. A representative of the state hygienic laboratory at
7 26 the university of Iowa.
7 27 d. At least two representatives from academic institutions
7 28 which grant undergraduate and postgraduate degrees in public
7 29 health or other health=related fields.
7 30 e. At least one economist who has demonstrated experience
7 31 in public health, health care, or a health=related field.
7 32 f. At least one research analyst.
7 33 5. The committee may utilize other relevant public health
7 34 expertise when necessary to carry out its roles and
7 35 responsibilities.

Senate Study Bill 1103 continued

8 1 6. The committee shall do all of the following:
8 2 a. Develop and implement processes for evaluation of the
8 3 governmental public health system and the voluntary
8 4 accreditation program.
8 5 b. Collect and report baseline information for
8 6 organizational capacity and public health service delivery
8 7 based on the Iowa public health standards prior to
8 8 implementation of the voluntary accreditation program on
8 9 January 2, 2012.
8 10 c. Evaluate the effectiveness of the accrediting entity
8 11 and the voluntary accreditation process.
8 12 d. Evaluate the appropriateness of the Iowa public health
8 13 standards and develop measures to determine reliability and
8 14 validity.
8 15 e. Determine what process and outcome improvements in the
8 16 governmental public health system are attributable to
8 17 voluntary accreditation.
8 18 f. Assure that the evaluation process is capturing data to
8 19 support key research in public health system effectiveness and
8 20 health outcomes.
8 21 g. Annually submit a report to the department by July 1.
8 22 h. Form and utilize subcommittees as necessary to carry
8 23 out the duties of the committee.
8 24 Sec. 7. NEW SECTION. 135A.6 GOVERNMENTAL PUBLIC HEALTH
8 25 SYSTEM.
8 26 1. The governmental public health system, in accordance
8 27 with the Iowa public health standards, shall include but not
8 28 be limited to the following organizational capacity components
8 29 and public health service components:
8 30 a. Organizational capacity components shall include all of
8 31 the following:
8 32 (1) Governance.
8 33 (2) Administration.
8 34 (3) Communication and information technology.
8 35 (4) Workforce.

Senate Study Bill 1103 continued

9 1 (5) Community assessment and planning. This component
9 2 consists of collaborative data collection and analysis for the
9 3 completion of population=based community health assessments
9 4 and community health profiles and the process of developing
9 5 improvement plans to address the community health needs and
9 6 identified gaps in public health services.
9 7 (6) Evaluation.
9 8 b. Public health service components shall include all of
9 9 the following:
9 10 (1) Prevention of epidemics and the spread of disease.
9 11 This component includes the surveillance, detection,
9 12 investigation, and prevention and control measures that
9 13 prevent, reduce, or eliminate the spread of infectious
9 14 disease.
9 15 (2) Protection against environmental hazards. This
9 16 component includes activities that reduce or eliminate the
9 17 risk factors detrimental to the public's health within the
9 18 natural or man=made environment.
9 19 (3) Prevention of injuries. This component includes
9 20 activities that facilitate the prevention, reduction, or
9 21 elimination of intentional and unintentional injuries.
9 22 (4) Promotion of healthy behaviors. This component
9 23 includes activities to assure services that promote healthy
9 24 behaviors to prevent chronic disease and reduce illness.
9 25 (5) Preparation for, response to, and recovery from public
9 26 health emergencies. This component includes activities to
9 27 prepare the public health system and community partners to
9 28 respond to public health threats, emergencies, and disasters
9 29 and to assist in the recovery process.
9 30 2. The governmental public health system shall include but
9 31 not be limited to the following entities:
9 32 a. Local boards of health.
9 33 b. State board of health.
9 34 c. Designated local public health agencies.
9 35 d. The department.

Senate Study Bill 1103 continued

10 1 Sec. 8. NEW SECTION. 135A.7 GOVERNMENTAL PUBLIC HEALTH
10 2 SYSTEM AND ACCREDITATION DATA COLLECTION SYSTEM.
10 3 1. The department shall establish and maintain a
10 4 governmental public health system and an accreditation data
10 5 collection system by which the state board of health, the
10 6 director, the department, the council, and the committee may
10 7 monitor the implementation and effectiveness of the
10 8 governmental public health system based on the Iowa public
10 9 health standards.
10 10 2. Notwithstanding section 22.7 or any other provision of
10 11 law, local boards of health shall provide to the department
10 12 and the accrediting entity upon request all data and
10 13 information necessary to determine the local board's capacity
10 14 to comply with the Iowa public health standards, including but
10 15 not limited to data and information regarding governance,
10 16 administration, communication and information technology,
10 17 workforce, personnel, staffing, budget, contracts, and other
10 18 program and agency information.
10 19 3. The department may share any data or information
10 20 collected pursuant to this section with the council or the
10 21 committee as necessary to perform the duties of the council
10 22 and committee. Data and information provided to the
10 23 department under this section which are confidential pursuant
10 24 to section 22.7, subsection 2, 11, or 50, section 139A.3, or
10 25 other provision of law, remain confidential and shall not be
10 26 released by the department, the council, or the committee.
10 27 4. All accreditation files and reports prepared or
10 28 maintained by the accrediting entity are confidential and are
10 29 not subject to discovery, subpoena, or other means of legal
10 30 compulsion for their release. However, the accreditation
10 31 status of an applicant designated local public health agency
10 32 or the department is public information.
10 33 5. To the extent possible, activities under this section
10 34 shall be coordinated with other health data collection systems
10 35 including those maintained by the department.

Senate Study Bill 1103 continued

11 1 Sec. 9. NEW SECTION. 135A.8 GOVERNMENTAL PUBLIC HEALTH
11 2 SYSTEM FUND.
11 3 1. The department is responsible for the funding of the
11 4 administrative costs for implementation of this chapter. A
11 5 governmental public health system fund is created as a
11 6 separate fund in the state treasury under the control of the
11 7 department. The fund shall consist of moneys obtained from
11 8 any source, including the federal government, unless otherwise
11 9 prohibited by law or the entity providing the funding. Moneys
11 10 deposited in the fund are appropriated to the department for
11 11 the public health purposes specified in this chapter. Moneys
11 12 in the fund shall not be transferred, used, obligated,
11 13 appropriated, or otherwise encumbered except as provided in
11 14 this section. Notwithstanding section 8.33, moneys in the
11 15 governmental public health system fund at the end of the
11 16 fiscal year shall not revert to any other fund but shall
11 17 remain in the fund for subsequent fiscal years.
11 18 2. The fund is established to assist local boards of
11 19 health and the department with the provision of governmental
11 20 public health system organizational capacity and public health
11 21 service delivery and to achieve and maintain voluntary
11 22 accreditation in accordance with the Iowa public health
11 23 standards. At least seventy percent of the funds shall be
11 24 made available to local boards of health and up to thirty
11 25 percent of the funds may be utilized by the department.
11 26 3. Moneys in the fund may be allocated by the department
11 27 to a local board of health for organizational capacity and
11 28 service delivery. Such allocation may be made on a matching,
11 29 dollar=for=dollar basis for the acquisition of equipment, or
11 30 by providing grants to achieve and maintain voluntary
11 31 accreditation in accordance with the Iowa public health
11 32 standards.
11 33 4. A local board of health seeking matching funds or
11 34 grants under this section shall apply to the department. The
11 35 state board of health shall adopt rules concerning the

Senate Study Bill 1103 continued

12 1 application and award process for the allocation of moneys in
12 2 the fund and shall establish the criteria for the allocation
12 3 of moneys in the fund if the moneys are insufficient to meet
12 4 the needs of local boards of health.
12 5 Sec. 10. NEW SECTION. 135A.9 RULES.
12 6 The state board of health shall adopt rules pursuant to
12 7 chapter 17A to implement this chapter which shall include but
12 8 are not limited to the following:
12 9 1. Incorporation of the Iowa public health standards
12 10 recommended to the department pursuant to section 135A.5,
12 11 subsection 6.
12 12 2. A voluntary accreditation process to begin no later
12 13 than January 2, 2012, for designated local public health
12 14 agencies and the department.
12 15 3. Rules relating to the operation of the governmental
12 16 public health advisory council.
12 17 4. Rules relating to the operation of the governmental
12 18 public health system evaluation committee.
12 19 5. The application and award process for governmental
12 20 public health system fund moneys.
12 21 6. Rules relating to data collection for the governmental
12 22 public health system and the voluntary accreditation program.
12 23 7. Rules otherwise necessary to implement the chapter.
12 24 Sec. 11. NEW SECTION. 135A.10 PROHIBITED ACTS ==
12 25 FRAUDULENTLY CLAIMING ACCREDITATION == CIVIL PENALTY.
12 26 A local board of health or local public health agency that
12 27 imparts or conveys, or causes to be imparted or conveyed,
12 28 information claiming that it is accredited pursuant to this
12 29 chapter or that uses any other term to indicate or imply it is
12 30 accredited without being accredited under this chapter is
12 31 subject to a civil penalty not to exceed one thousand dollars
12 32 per day for each offense. However, nothing in this chapter
12 33 shall be construed to restrict a local board of health or
12 34 local public health agency from providing any services for
12 35 which it is duly authorized.

Senate Study Bill 1103 continued

13 1 Sec. 12. EFFECTIVE DATE. This Act, being deemed of
13 2 immediate importance, takes effect upon enactment.
13 3 EXPLANATION
13 4 This bill, entitled the Iowa public health modernization
13 5 Act, is to be administered by the department of public health
13 6 in collaboration with the governmental public health advisory
13 7 council and the governmental public health evaluation
13 8 committee. The bill creates a multimember governmental public
13 9 health advisory council, appointed by the director of the
13 10 department to advise the department and make policy
13 11 recommendations concerning administration, implementation, and
13 12 coordination of the bill and the governmental public health
13 13 system. The bill also creates a governmental public health
13 14 evaluation committee, also appointed by the director, to
13 15 develop, implement, and conduct evaluation of the governmental
13 16 public health system and a voluntary accreditation program for
13 17 public health entities. Detailed membership criteria,
13 18 specifying required areas of expertise, are set out for both
13 19 the council and the committee.
13 20 The bill relates to the organization and operation of the
13 21 governmental public health system. The composition and
13 22 organizational components of the system are described in the
13 23 bill. The governmental public health system shall function
13 24 to:
13 25 1. Prevent epidemics and spread of disease.
13 26 2. Protect against environmental hazards.
13 27 3. Prevent injuries.
13 28 4. Promote healthy behavior.
13 29 5. Deal with public emergencies.
13 30 The bill directs the department to establish an
13 31 accreditation data collection system to monitor the
13 32 implementation and effectiveness of the governmental public
13 33 health system based on the Iowa public health standards.
13 34 Local boards of health are required to provide all data and
13 35 information necessary to determine the local board's capacity

Senate Study Bill 1103 continued

14 1 to comply with the Iowa public health standards. The
14 2 department may share data or information with the advisory
14 3 council or the evaluation committee as necessary to perform
14 4 the duties of the council and committee; however, data and
14 5 information which is confidential shall not be released by the
14 6 department, the council, or the committee.
14 7 The bill establishes a governmental public health system
14 8 fund in the state treasury under the control of the
14 9 department. The fund consists of funds obtained from any
14 10 source. Moneys in the fund are appropriated to the department
14 11 for the public health purposes specified in the bill and shall
14 12 not be transferred, used, obligated, appropriated, or
14 13 otherwise encumbered except as provided in the bill. Funds in
14 14 the governmental public health system fund at the end of a
14 15 fiscal year shall not revert to any other fund but shall
14 16 remain in the fund for subsequent fiscal years. At least 70
14 17 percent of the funds are to be made available to local boards
14 18 of health. Grants to local boards are available for obtaining
14 19 voluntary accreditation and dollar=for=dollar matching funds
14 20 are available for equipment.
14 21 The department is required to adopt rules including rules
14 22 concerning the voluntary accreditation of designated local
14 23 public health agencies and the department and to adopt Iowa
14 24 public health standards. A local board of health or local
14 25 public health agency that falsely claims to be accredited is
14 26 subject to a civil penalty not to exceed $1,000 per day for
14 27 each offense.
14 28 The bill takes effect upon enactment.
14 29 LSB 1148DP 83
14 30 jr/nh/5.3

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

Senate Study Bill 1104

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

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

A BILL FOR

An Act relating to administrative and planning requirements involving children for whom the department of human services has responsibility under state or federal law.

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

TLSB 1467DP 83
jp/nh/5

Senate Study Bill 1104 continued

PAG LIN

1 1 DIVISION I
1 2 TRANSITION PLANNING
1 3 Section 1. Section 232.2, subsection 4, paragraph f, Code
1 4 2009, is amended to read as follows:
1 5 f. (1) When a child is sixteen years of age or older, a
1 6 written transition plan of services which, based upon an
1 7 assessment of the child's needs, would assist the child in
1 8 preparing for the transition from foster care to adulthood.
1 9 The ~~written~~ transition plan ~~of services~~ and needs assessment
1 10 shall be developed with a focus on the services, other
1 11 support, and actions necessary to facilitate the child's
1 12 successful entry into adulthood. The transition plan shall be
1 13 personalized at the direction of the child and shall be
1 14 developed with the child present, honoring the goals and
1 15 concerns of the child, and shall address the following areas
1 16 of need when the child becomes an adult, including but not
1 17 limited to all of the following:
1 18 (a) Education.
1 19 (b) Employment services and other workforce support.
1 20 (c) Health and health care coverage.
1 21 (d) Housing.
1 22 (e) Relationships, including local opportunities to have a
1 23 mentor.
1 24 (f) If the needs assessment indicates the child is
1 25 reasonably likely to need or be eligible for services or other
1 26 support from the adult service system upon reaching age
1 27 eighteen, the transition plan shall provide for the child's
1 28 application for adult services.
1 29 (2) The transition plan shall be considered a working
1 30 document and shall be reviewed and updated for each permanency
1 31 hearing by the court or other formal case permanency plan
1 32 review and during the ninety calendar=day period preceding the
1 33 child's eighteenth birthday, and may be reviewed and updated
1 34 more frequently.
1 35 (3) The transition plan shall be developed and reviewed by

Senate Study Bill 1104 continued

2 1 the department in collaboration with a child=centered
2 2 transition team. The transition team shall be comprised of
2 3 the child's caseworker and persons selected by the child,
2 4 persons who have knowledge of services available to the child,
2 5 and any person who may reasonably be expected to be a service
2 6 provider for the child when the child becomes an adult or to
2 7 become responsible for the costs of services at that time~~,~~
~~2 8 including~~. If the child is reasonably likely to need or be
2 9 eligible for adult services, the transition team membership
2 10 shall include representatives from the adult services system.
2 11 The adult services system representatives may include but are
2 12 not limited to the administrator of county general relief
2 13 under chapter 251 or 252 or of the central point of
2 14 coordination process implemented under section 331.440. The
2 15 membership of the transition team and the meeting dates for
2 16 the team shall be documented in the transition plan.
2 17 (4) The final transition plan shall specifically identify
2 18 how the need for housing will be addressed.
2 19 (5) If the child is interested in pursuing higher
2 20 education, the transition plan shall provide for the child's
2 21 participation in the college student aid commission's program
2 22 of assistance in applying for federal and state aid under
2 23 section 261.2.
2 24 ~~(2) If the needs assessment indicates the child is~~
~~2 25 reasonably likely to need or be eligible for services or other~~
~~2 26 support from the adult service system upon reaching age~~
~~2 27 eighteen, the transition plan shall be reviewed and approved~~
~~2 28 by the transition committee for the area in which the child~~
~~2 29 resides, in accordance with section 235.7, before the child~~
~~2 30 reaches age seventeen and one=half. The transition~~
~~2 31 committee's review and approval shall be indicated in the case~~
~~2 32 permanency plan.~~
2 33 ~~(3)~~ (6) Provision for the department or a designee of the
2 34 department on or before the date the child reaches age
2 35 eighteen to provide to the child a certified copy of the

Senate Study Bill 1104 continued

3 1 child's birth certificate and to facilitate securing a federal
3 2 social security card. The fee for the certified copy that is
3 3 otherwise chargeable under section 144.13A, 144.46, or 331.605
3 4 shall be waived by the state or county registrar.
3 5 Sec. 2. Section 232.2, subsection 22, paragraph b,
3 6 subparagraph (7), Code 2009, is amended to read as follows:
3 7 (7) If the child is required to have a transition plan
3 8 developed in accordance with the child's case permanency plan
3 9 and ~~subject to review and approval of a transition committee~~
3 10 developed in collaboration with a child=centered transition
3 11 team under ~~section 235.7~~ subsection 4, paragraph "f",
3 12 subparagraph (3), assisting the transition ~~committee~~ team in
3 13 development of the transition plan.
3 14 Sec. 3. Section 235.7, Code 2009, is repealed.
3 15 DIVISION II
3 16 EDUCATION=RELATED REQUIREMENTS, RELATIVE
3 17 PLACEMENT, AND SIBLING CONSIDERATIONS
3 18 Sec. 4. Section 232.2, subsection 4, Code 2009, is amended
3 19 by adding the following new paragraph:
3 20 NEW PARAGRAPH. m. Documentation of the educational
3 21 stability of the child while in foster care. The
3 22 documentation shall include but is not limited to all of the
3 23 following:
3 24 (1) Evidence there was an evaluation of the
3 25 appropriateness of the child's educational setting while in
3 26 placement and of the setting's proximity to the educational
3 27 setting in which the child was enrolled at the time of
3 28 placement.
3 29 (2) An assurance either that the department coordinated
3 30 with appropriate local educational agencies to identify how
3 31 the child could remain in the educational setting in which the
3 32 child was enrolled at the time of placement or, if it was
3 33 determined it was not in the child's best interest to remain
3 34 in that setting, that the affected educational agencies would
3 35 immediately and appropriately enroll the child in another

Senate Study Bill 1104 continued

4 1 educational setting during the child's placement and ensure
4 2 that the child's educational records were provided for use in
4 3 the new educational setting. For the purposes of this
4 4 subparagraph, "local educational agencies" means the same as
4 5 defined in the federal Elementary and Secondary Education Act
4 6 of 1965, section 9101, as codified in 20 U.S.C. section
4 7 7801(26).
4 8 Sec. 5. Section 232.102, Code 2009, is amended by adding
4 9 the following new subsections:
4 10 NEW SUBSECTION. 14. Within thirty days after the entry of
4 11 an order transferring custody of a child to the department,
4 12 the department shall exercise due diligence in identifying and
4 13 providing notice to all adult relatives of the child who are
4 14 within the fourth degree of consanguinity of the child and to
4 15 any other adult relative suggested by the child's parents,
4 16 subject to exceptions due to the presence of family or
4 17 domestic violence. The notice content shall include but is
4 18 not limited to all of the following:
4 19 a. A statement that the child has been or is being removed
4 20 from the custody of the child's parent or parents.
4 21 b. An explanation of the options the relative has under
4 22 federal, state, and other law to participate in the care and
4 23 placement of the child, including any options that may be lost
4 24 by failure to respond to the notice.
4 25 c. A description of the requirements for the relative to
4 26 become a foster family home provider and the additional
4 27 services and other support available for children placed in a
4 28 family foster care home.
4 29 d. Information concerning the option to apply for kinship
4 30 guardianship assistance payments.
4 31 NEW SUBSECTION. 15. When an order is entered under this
4 32 section transferring custody of a child who has siblings to
4 33 the department or other agency for placement, the provisions
4 34 of section 232.108 shall be applied.
4 35 Sec. 6. NEW SECTION. 234.4 EDUCATION OF CHILDREN IN

Senate Study Bill 1104 continued

5 1 DEPARTMENTAL PROGRAMS.
5 2 If the department of human services has custody or has
5 3 other responsibility for a child based upon the child's
5 4 involvement in a departmental program involving foster care,
5 5 preadoption or adoption, or subsidized guardianship placement
5 6 and the child is subject to the compulsory attendance law
5 7 under chapter 299, the department shall fulfill the
5 8 responsibilities outlined in section 299.1 and other
5 9 responsibilities under federal and state law regarding the
5 10 child's school attendance.
5 11 Sec. 7. Section 256.9, Code 2009, is amended by adding the
5 12 following new subsection:
5 13 NEW SUBSECTION. 61. Aid the department of human services
5 14 as necessary to accomplish state and federal education=related
5 15 objectives that are applicable to children for whom the
5 16 department of human services has responsibility.
5 17 EXPLANATION
5 18 This bill relates to administrative and planning
5 19 requirements involving children for whom the department of
5 20 human services has responsibility under state or federal law.
5 21 The bill is organized into divisions.
5 22 TRANSITION PLANNING. This division of the bill revises
5 23 transition planning required of the department of human
5 24 services for older children in foster care who are age 16 or
5 25 older and approaching adulthood.
5 26 Current law in Code section 232.2 provides for development
5 27 of a transition plan and needs assessment for such children as
5 28 part of the case permanency plan that is required for each
5 29 child who is subject to a court order transferring custody of
5 30 the child to the department of human services or other agency
5 31 for placement. The transition plans are subject to the
5 32 approval of local transition committees the department is
5 33 required to establish under Code section 235.7.
5 34 The transition committees are eliminated by repealing Code
5 35 section 235.7 and requiring the department to develop the

Senate Study Bill 1104 continued

6 1 transition plan with the child present in collaboration with a
6 2 child=centered team. The team membership is required to
6 3 include persons selected by the child, persons who have
6 4 knowledge of the services available to the child, and persons
6 5 who may become service providers or become responsible for the
6 6 costs of the services when the child becomes an adult,
6 7 including certain persons involved with the adult services
6 8 system.
6 9 The transition plan is required to address housing and
6 10 various other areas of need when the child becomes an adult.
6 11 The transition plan is considered to be a working document and
6 12 is required to be reviewed and updated for each permanency
6 13 hearing by the court or other formal case permanency plan
6 14 review and during the 90 calendar=day period preceding the
6 15 child's eighteenth birthday, and may be reviewed and updated
6 16 more frequently.
6 17 The division includes a conforming amendment to the duties
6 18 of a guardian ad litem to require the guardian ad litem to
6 19 assist the child=centered team in developing the transition
6 20 plan and reflect the elimination of the transition committees.
6 21 EDUCATION=RELATED REQUIREMENTS, RELATIVE PLACEMENT, AND
6 22 SIBLING CONSIDERATIONS. This division addresses
6 23 education=related requirements, relative placement, and
6 24 sibling considerations involving placements.
6 25 The definition of case permanency plan in Code section
6 26 232.2 is expanded to require documentation of the educational
6 27 stability of a child and of the educational setting the child
6 28 attends while in placement. These plans are federally
6 29 required and are regularly reviewed by the court while a child
6 30 is in an out=of=home placement.
6 31 Code section 232.102, relating to transfer of legal custody
6 32 of a child by the court and placement following a child in
6 33 need of assistance determination by the court, is amended to
6 34 require the department of human services to provide a
6 35 notification to the child's relatives when legal custody has

Senate Study Bill 1104 continued

7 1 been transferred to the department. The notice requirement
7 2 has an exception when family or domestic violence is present.
7 3 The requirement is for providing notice within 30 days of
7 4 entry of the custody transfer order and extends to the child's
7 5 relatives through the fourth degree of consanguinity and to
7 6 relatives identified by the child's parent. The notice has
7 7 various required elements including an explanation of the
7 8 options available for the relative to participate in the care
7 9 of the child and to receive financial and program assistance
7 10 for doing so.
7 11 Code section 232.102 is also amended to explicitly apply
7 12 the requirements of Code section 232.108 when an order is
7 13 entered transferring custody of a child who has siblings to
7 14 the department or other agency for placement. The requirement
7 15 under Code section 232.108 is for making a reasonable effort
7 16 to place the child and siblings together in the same placement
7 17 or to facilitate visitation. An exception to the requirement
7 18 is applicable if the court determines the placement or
7 19 visitation would be detrimental to the well=being of the child
7 20 or a sibling. The placement and visitation efforts are
7 21 required to be documented in the child's case permanency plan.
7 22 New Code section 234.4 requires the department of human
7 23 services to fulfill the responsibilities outlined in Code
7 24 section 299.1 when a child is subject to the compulsory school
7 25 attendance law and the department has custody or has other
7 26 responsibility based upon the child's involvement in a
7 27 departmental program involving foster care, preadoption or
7 28 adoption, or subsidized guardianship placement. Subject to
7 29 certain exceptions outlined in Code sections 299.2 and 299.5,
7 30 a parent, guardian, or legal or actual custodian of a child
7 31 who is of compulsory attendance age is required to cause the
7 32 child to attend a public school, an accredited nonpublic
7 33 school, or competent private instruction, during a school
7 34 year. The exceptions to the attendance requirement in Code
7 35 section 299.2 involve the child's graduation or equivalent,

Senate Study Bill 1104 continued

8 1 excuse of the requirement by a court or judge, the child's
8 2 membership in certain religious denominations, excuse for
8 3 certain children who are blind or deaf, and the child's
8 4 attendance at an accredited private college preparatory
8 5 school. The Code section 299.5 exception involves proof that
8 6 the child has a physical or mental inability to attend school,
8 7 or that the child's presence in school would be injurious to
8 8 the health of other pupils.
8 9 Code section 256.9, specifying the duties of the director
8 10 of the department of education, is amended to include a duty
8 11 to aid the department of human services as necessary to
8 12 accomplish state and federal education=related objectives that
8 13 are applicable to children for whom the department of human
8 14 services has responsibility.
8 15 LSB 1467DP 83
8 16 jp/nh/5

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

Senate Study Bill 1105

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
VETERANS AFFAIRS BILL)

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

A BILL FOR

An Act requiring record checks for persons who are prospective or current employees or volunteers for the Iowa veterans home.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1452DP 83
jp/nh/5

Senate Study Bill 1105 continued

PAG LIN

1 1 Section 1. NEW SECTION. 35D.14A EMPLOYEE AND VOLUNTEER
1 2 RECORD CHECKS.
1 3 1. Persons who are potential employees, employees,
1 4 potential volunteers, or volunteers in the Iowa veterans home
1 5 in a position having direct contact with patients or residents
1 6 of the home shall be subject to criminal history and child and
1 7 dependent adult abuse record checks in accordance with this
1 8 section. The Iowa veterans home shall request that the
1 9 department of public safety perform the criminal history check
1 10 and the department of human services perform child and
1 11 dependent adult abuse record checks of the person in this
1 12 state and may request these checks in other states.
1 13 2. a. If it is determined that a person has been
1 14 convicted of a crime under a law of any state or has a record
1 15 of founded child or dependent adult abuse, the person shall
1 16 not be employed or participate as a volunteer in the Iowa
1 17 veterans home unless an evaluation has been performed by the
1 18 department of human services to determine whether the crime or
1 19 founded child or dependent adult abuse warrants prohibition of
1 20 the person's employment or participation as a volunteer in the
1 21 Iowa veterans home. The department of human services shall
1 22 perform such evaluation upon the request of the Iowa veterans
1 23 home.
1 24 b. In an evaluation, the department of human services
1 25 shall consider the nature and seriousness of the crime or
1 26 founded child or dependent adult abuse in relation to the
1 27 position sought or held, the time elapsed since the commission
1 28 of the crime or founded child or dependent adult abuse, the
1 29 circumstances under which the crime or founded child or
1 30 dependent adult abuse was committed, the degree of
1 31 rehabilitation, the likelihood that the person will commit the
1 32 crime or founded child or dependent adult abuse again, and the
1 33 number of crimes or founded child or dependent adult abuses
1 34 committed by the person involved.
1 35 c. If the department of human services performs an

Senate Study Bill 1105 continued

2 1 evaluation for the purposes of this section, the department of
2 2 human services has final authority in determining whether
2 3 prohibition of the person's employment or participation as a
2 4 volunteer is warranted. The department of human services may
2 5 permit a person who is evaluated to be employed or to
2 6 participate as a volunteer if the person complies with the
2 7 department's conditions relating to employment or
2 8 participation as a volunteer which may include completion of
2 9 additional training.
2 10 Sec. 2. Section 235A.15, subsection 2, paragraph e, Code
2 11 2009, is amended by adding the following new subparagraph:
2 12 NEW SUBPARAGRAPH. (19) To the Iowa veterans home for
2 13 purposes of record checks of potential employees, employees,
2 14 potential volunteers, and volunteers in the Iowa veterans
2 15 home.
2 16 Sec. 3. Section 235B.6, subsection 2, paragraph e, Code
2 17 2009, is amended by adding the following new subparagraph:
2 18 NEW SUBPARAGRAPH. (14) To the Iowa veterans home for
2 19 purposes of record checks of potential employees, employees,
2 20 potential volunteers, and volunteers in the Iowa veterans
2 21 home.
2 22 EXPLANATION
2 23 This bill requires criminal history and dependent adult and
2 24 child abuse record checks for persons who are prospective or
2 25 current employees or volunteers for the Iowa veterans home in
2 26 a position having direct contact with patients or residents of
2 27 the home.
2 28 The Iowa veterans home is required to request that the
2 29 department of public safety perform the criminal history check
2 30 and the department of human services perform child and
2 31 dependent adult abuse record checks of the person in this
2 32 state and may request these checks in other states.
2 33 If it is determined that a person has been convicted of a
2 34 crime under a law of any state or has a record of founded
2 35 child or dependent adult abuse, the person cannot be employed

Senate Study Bill 1105 continued

3 1 or participate as a volunteer unless the department of human
3 2 services performs an evaluation to determine whether the crime
3 3 or founded child or dependent adult abuse warrants prohibition
3 4 of the person's employment or participation as a volunteer in
3 5 the Iowa veterans home. The department performs the
3 6 evaluation at the request of the Iowa veterans home.
3 7 The bill provides criteria for the department of human
3 8 services to use in performing the evaluation. The department
3 9 has final authority in determining whether prohibition of the
3 10 person's employment or participation as a volunteer is
3 11 warranted. The department may permit a person who is
3 12 evaluated to be employed or to participate as a volunteer if
3 13 the person complies with the department's conditions relating
3 14 to employment or participation as a volunteer which may
3 15 include completion of additional training.
3 16 Code section 235A.15, relating to access to child abuse
3 17 registry information, and Code section 235B.6, relating to
3 18 dependent adult abuse information, are amended to allow the
3 19 Iowa veterans home to have access to founded abuse information
3 20 for purposes of the record checks.
3 21 LSB 1452DP 83
3 22 jp/nh/5

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

Senate Study Bill 1106

SENATE FILE
BY (PROPOSED COMMITTEE ON
LABOR AND BUSINESS
RELATIONS BILL BY
CHAIRPERSON COURTNEY)

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

A BILL FOR

An Act relating to the imposition of penalty benefits in workers' compensation cases.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1886SC 83
av/rj/8

Senate Study Bill 1106 continued

PAG LIN

1 1 Section 1. Section 86.13, Code 2009, is amended to read as
1 2 follows:
1 3 86.13 COMPENSATION PAYMENTS.
1 4 1. If an employer or insurance carrier pays weekly
1 5 compensation benefits to an employee, the employer or
1 6 insurance carrier shall file with the workers' compensation
1 7 commissioner in the form and manner required by the workers'
1 8 compensation commissioner a notice of the commencement of the
1 9 payments. The payments establish conclusively that the
1 10 employer and insurance carrier have notice of the injury for
1 11 which benefits are claimed but the payments do not constitute
1 12 an admission of liability under this chapter or chapter 85,
1 13 85A, or 85B.
1 14 2. If an employer or insurance carrier fails to file the
1 15 notice required by this section, the failure stops the running
1 16 of the time periods in section 85.26 as of the date of the
1 17 first payment. If commenced, the payments shall be terminated
1 18 only when the employee has returned to work, or upon thirty
1 19 days' notice stating the reason for the termination and
1 20 advising the employee of the right to file a claim with the
1 21 workers' compensation commissioner.
1 22 3. This section does not prevent the parties from reaching
1 23 an agreement for settlement regarding compensation. However,
1 24 the agreement is valid only if signed by all parties and
1 25 approved by the workers' compensation commissioner.
1 26 4. a. If a denial, a delay in ~~commencement~~ payment, or a
1 27 termination of benefits occurs without reasonable ~~or probable~~
~~1 28 cause or~~ excuse known to the employer or insurance carrier at
1 29 the time of the denial, delay in payment, or termination of
1 30 benefits, the workers' compensation commissioner shall award
1 31 benefits in addition to those benefits payable under this
1 32 chapter, or chapter 85, 85A, or 85B, up to fifty percent of
1 33 the amount of benefits that were ~~unreasonably~~ denied, delayed,
1 34 or ~~denied~~ terminated without reasonable excuse.
1 35 b. The workers' compensation commissioner shall award

Senate Study Bill 1106 continued

2 1 benefits under this subsection if the commissioner finds both
2 2 of the following facts:
2 3 (1) The employee has demonstrated a denial, delay in
2 4 payment, or termination of benefits.
2 5 (2) The employer has failed to prove a reasonable excuse
2 6 for the denial, delay in payment, or termination of benefits.
2 7 c. In order to be considered a reasonable excuse under
2 8 paragraph "b", an excuse shall satisfy all of the following
2 9 criteria:
2 10 (1) The excuse was preceded by a reasonable investigation
2 11 and evaluation by the employer or insurance carrier into
2 12 whether benefits were owed to the employee.
2 13 (2) The results of the reasonable investigation and
2 14 evaluation were the actual basis upon which the employer or
2 15 insurance carrier contemporaneously relied to deny, delay
2 16 payment of, or terminate benefits.
2 17 (3) The employer or insurance carrier contemporaneously
2 18 conveyed the basis for the denial, delay in payment, or
2 19 termination of benefits to the employee at the time of the
2 20 denial, delay, or termination of benefits.
2 21 EXPLANATION
2 22 This bill relates to the imposition of additional workers'
2 23 compensation benefits because benefits were unreasonably
2 24 denied, delayed in payment, or terminated.
2 25 Code section 86.13 is amended to provide that such
2 26 additional benefits, up to 50 percent of the benefits
2 27 wrongfully withheld, shall be awarded if a denial, delay in
2 28 payment, or termination of workers' compensation benefits
2 29 occurs without reasonable excuse that was known to the
2 30 employer or insurance carrier at the time the benefits were
2 31 denied, delayed in payment, or terminated.
2 32 The bill requires the workers' compensation commissioner to
2 33 award the additional benefits if the employee proves that a
2 34 denial, delay in payment, or termination of benefits has
2 35 occurred and the employer fails to prove a reasonable excuse

Senate Study Bill 1106 continued

3 1 for the denial, delay in payment, or termination.
3 2 The bill provides that in order to be considered a
3 3 reasonable excuse, an excuse must be preceded by a reasonable
3 4 investigation and evaluation by the employer or insurance
3 5 carrier of whether benefits were owed to the employee; the
3 6 results of the reasonable investigation and evaluation must be
3 7 the actual basis upon which the employer or insurance carrier
3 8 contemporaneously relied in executing the denial, delay in
3 9 payment, or termination of benefits; and the employer or
3 10 insurance carrier must convey the basis for the denial, delay
3 11 in payment, or termination of benefits to the employee
3 12 contemporaneously with such denial, delay in payment, or
3 13 termination.
3 14 LSB 1886SC 83
3 15 av/rj/8

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

Senate Study Bill 1107

SENATE FILE
BY (PROPOSED COMMITTEE ON
LABOR AND BUSINESS
RELATIONS BILL BY
CHAIRPERSON COURTNEY)

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

A BILL FOR

An Act relating to workers' compensation benefits for certain work=related injuries that occur outside this state.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1882SC 83
av/rj/14

Senate Study Bill 1107 continued

PAG LIN

1 1 Section 1. Section 85.71, subsection 1, paragraph a, Code
1 2 2009, is amended to read as follows:
1 3 a. The employer has a place of business in this state and
1 4 the employee ~~regularly works at or from that place of business~~
1 5 is domiciled in this state.
1 6 EXPLANATION
1 7 Code section 85.71 is amended to provide that if an
1 8 employee suffers a work=related injury while working outside
1 9 of Iowa, and would have been entitled to workers' compensation
1 10 benefits under Iowa law if the injury had occurred in Iowa,
1 11 the employee is entitled to such benefits under Iowa law if
1 12 the employer has a place of business in this state and the
1 13 employee is domiciled in this state. Other provisions of Code
1 14 section 85.71 which provide benefits under Iowa law for
1 15 employees working outside the state are not amended.
1 16 LSB 1882SC 83
1 17 av/rj/14

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

Senate Study Bill 1108

SENATE FILE
BY (PROPOSED COMMITTEE ON LABOR
AND BUSINESS RELATIONS
BILL BY CHAIRPERSON COURTNEY)

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

A BILL FOR

An Act requiring additional workers' compensation payments for scheduled injuries that result in a reduction in the injured employee's earning capacity.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1884SC 83
av/rj/14

Senate Study Bill 1108 continued

PAG LIN

1 1 Section 1. Section 85.34, subsection 2, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. w. If an employee sustains an injury
1 4 described in paragraphs "a" through "t" and is unable to
1 5 return to employment providing substantially similar earnings
1 6 to the earnings provided in the employment in which the
1 7 employee was engaged at the time of the injury, compensation
1 8 shall be paid during the number of weeks in relation to five
1 9 hundred weeks as the reduction in the employee's earning
1 10 capacity bears in relation to the earning capacity that the
1 11 employee possessed when the injury occurred. If the employee
1 12 is permanently and totally disabled as a result of such an
1 13 injury the employee may be entitled to benefits under
1 14 subsection 3.
1 15 EXPLANATION
1 16 This bill amends Code section 85.34 to provide that for
1 17 purposes of workers' compensation, an employee who sustains a
1 18 scheduled injury and is unable to return to employment
1 19 providing substantially similar earnings to that of the
1 20 preinjury employment earning capacity, shall be paid
1 21 compensation during the number of weeks in relation to 500
1 22 weeks as the reduction in the employee's earning capacity
1 23 caused by the disability bears in relation to the earning
1 24 capacity that the employee possessed when the injury occurred.
1 25 LSB 1884SC 83
1 26 av/rj/14

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

Senate Study Bill 1109

SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S
OFFICE OF DRUG CONTROL
POLICY BILL)

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

A BILL FOR

An Act relating to the sale of a pseudoephedrine product by a pharmacy or retailer, and providing penalties and contingent applicability.

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

TLSB 1250DP 83
jm/rj/14

Senate Study Bill 1109 continued

PAG LIN

1 1 Section 1. Section 124.101, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 20A. "Office" means the governor's office
1 4 of drug control policy as referred to in section 80E.1.
1 5 Sec. 2. Section 124.212, subsection 4, paragraph c, Code
1 6 2009, is amended to read as follows:
1 7 c. Pseudoephedrine. A person shall present a
1 8 government=issued photo identification card when purchasing a
1 9 pseudoephedrine product from a pharmacy. A person shall not
1 10 purchase ~~more than seven thousand five hundred milligrams of~~
~~1 11 pseudoephedrine, either separately or collectively, within a~~
~~1 12 thirty=day period~~ a quantity of pseudoephedrine in violation
1 13 of section 124.213 from a pharmacy, unless the person has a
1 14 prescription for a pseudoephedrine product in excess of that
1 15 quantity. A pseudoephedrine product not excepted from this
1 16 schedule shall be sold by a pharmacy as provided in section
1 17 124.212A.
1 18 Sec. 3. NEW SECTION. 124.212A PHARMACY PSEUDOEPHEDRINE
1 19 SALE == RESTRICTIONS == RECORDS == CONTINGENT APPLICABILITY.
1 20 1. A pharmacy, an employee of a pharmacy, or a licensed
1 21 pharmacist shall do the following:
1 22 a. Provide for the sale of a pseudoephedrine product in a
1 23 locked cabinet or behind the sales counter where the public is
1 24 unable to reach the product and where the public is not
1 25 permitted.
1 26 b. Require the purchaser to present a governmental=issued
1 27 photo identification card identifying the purchaser prior to
1 28 purchasing a pseudoephedrine product.
1 29 c. Provide an electronic logbook for purchasers of
1 30 pseudoephedrine products to sign.
1 31 d. Require the purchaser to sign the electronic logbook.
1 32 If the electronic logbook is not available, require a
1 33 signature that is associated with a transaction number.
1 34 e. Enter the purchaser's name, address, date of purchase,
1 35 time of purchase, name of the pseudoephedrine product

Senate Study Bill 1109 continued

2 1 purchased, and the quantity sold in the electronic logbook.
2 2 If the electronic logbook is unavailable, an alternative
2 3 record shall be kept that complies with the rules adopted by
2 4 both the office and the board.
2 5 f. Determine that the signature in the electronic logbook
2 6 corresponds with the name on the government=issued photo
2 7 identification card.
2 8 g. Provide notice that a purchaser entering a false
2 9 statement or misrepresentation in the electronic logbook may
2 10 subject the purchaser to criminal penalties under 18 U.S.C. }
2 11 1001.
2 12 h. Keep electronic logbook records and any other records
2 13 obtained if the electronic logbook is unavailable for
2 14 twenty=four months from the date of the last entry.
2 15 i. Disclose electronic logbook information and any other
2 16 associated records as provided by state and federal law.
2 17 j. Comply with training requirements pursuant to federal
2 18 law.
2 19 2. This section is not applicable unless sufficient
2 20 funding is received to implement and maintain the statewide
2 21 real=time central repository and the office establishes the
2 22 statewide real=time central repository. However, subsection
2 23 1, paragraph "h" is applicable upon the effective date of this
2 24 Act.
2 25 Sec. 4. NEW SECTION. 124.212B PSEUDOEPHEDRINE SALES ==
2 26 TRACKING == PENALTY == CONTINGENT APPLICABILITY.
2 27 1. The office shall establish a real=time electronic
2 28 repository to monitor and control the sale of schedule V
2 29 products containing any detectible amount of pseudoephedrine,
2 30 its salts, or optical isomers, or salts of optical isomers;
2 31 ephedrine; or phenylpropanolamine. A pharmacy dispensing such
2 32 products shall report all such sales electronically to a
2 33 central repository under the control of the office.
2 34 2. The information collected in the central repository is
2 35 confidential unless otherwise ordered by a court, or released

Senate Study Bill 1109 continued

3 1 by the lawful custodian of the records pursuant to state or
3 2 federal law.
3 3 3. A pharmacy, an employee of a pharmacy, or a licensed
3 4 pharmacist shall not be provided access to the stored
3 5 information in the electronic central repository, except for
3 6 the purpose of obtaining sufficient information for a
3 7 pharmacy, an employee of a pharmacy, or a licensed pharmacist
3 8 to determine whether to complete the sale of the product. In
3 9 addition, a pharmacy, an employee of a pharmacy, or a licensed
3 10 pharmacist shall be provided access to the information to
3 11 determine the sales made by the pharmacy. A pharmacy, an
3 12 employee of a pharmacy, or a licensed pharmacist shall not be
3 13 given the obligation or duty to view the stored information.
3 14 4. A pharmacy, or an employee of a pharmacy, or a licensed
3 15 pharmacist shall not be given the obligation or duty to seek
3 16 information from the central repository if the real=time
3 17 electronic logbook becomes unavailable for use.
3 18 5. If the electronic logbook is unavailable for use, a
3 19 paper record for each sale shall be maintained including the
3 20 purchaser's signature. Any paper record maintained by the
3 21 pharmacy shall be provided to the office for inclusion in the
3 22 electronic real=time central repository as soon as
3 23 practicable.
3 24 6. A pharmacy, or an employee of a pharmacy, or a licensed
3 25 pharmacist shall not be liable, if acting reasonably and in
3 26 good faith, to any person for any claim which may arise when
3 27 reporting sales of products enumerated in subsection 1 to the
3 28 central repository.
3 29 7. A person who discloses information stored in the
3 30 central repository in violation of this section commits a
3 31 simple misdemeanor.
3 32 8. Both the office and the board shall adopt rules to
3 33 administer this section.
3 34 9. The office shall report to the board on an annual
3 35 basis, beginning January 1, 2010, regarding the repository,

Senate Study Bill 1109 continued

4 1 including the effectiveness of the repository in discovering
4 2 unlawful sales of pseudoephedrine products.
4 3 10. This section is not applicable unless sufficient
4 4 funding is received to implement and maintain this section and
4 5 the office establishes the statewide real=time central
4 6 repository.
4 7 Sec. 5. NEW SECTION. 124.212C PSEUDOEPHEDRINE ADVISORY
4 8 COUNCIL == ELECTRONIC MONITORING.
4 9 1. The office shall establish a pseudoephedrine advisory
4 10 council to provide input and advise the office regarding the
4 11 implementation and maintenance of the statewide real=time
4 12 central repository established under section 124.212B to
4 13 monitor sales of pseudoephedrine. The office shall specify
4 14 the duties, responsibilities, and other related matters of the
4 15 advisory council.
4 16 2. The council shall consist of four licensed pharmacists.
4 17 The office shall solicit recommendations for membership on the
4 18 council from the Iowa pharmacy association and Iowa retail
4 19 federation, and shall appoint members from the
4 20 recommendations. The council shall include a member from an
4 21 independent pharmacy, a member from a regional chain pharmacy,
4 22 and a member from a national chain pharmacy. The license of
4 23 any member must be current and not subject to disciplinary
4 24 sanctions.
4 25 3. The council may make recommendations regarding the
4 26 implementation and maintenance of the statewide real=time
4 27 central repository monitoring system under section 124.212B.
4 28 4. The council shall do the following:
4 29 a. Assist the office in implementing and maintaining the
4 30 statewide real=time central repository monitoring system.
4 31 b. Assist the office in developing utilization guidance
4 32 related to the statewide real=time central repository
4 33 monitoring system and disseminating such guidance.
4 34 c. Assist the office in developing guidelines to ensure
4 35 patient confidentiality and the integrity of the relationship

Senate Study Bill 1109 continued

5 1 established by the patient and the patient's health care
5 2 provider.
5 3 5. All members of the council shall receive actual and
5 4 necessary expenses incurred in the performance of their
5 5 duties.
5 6 Sec. 6. Section 124.213, Code 2009, is amended by striking
5 7 the section and inserting in lieu thereof the following:
5 8 124.213 PSEUDOEPHEDRINE PURCHASE RESTRICTIONS FROM
5 9 PHARMACY OR RETAILER == PENALTY.
5 10 1. A person shall not purchase more than three thousand
5 11 six hundred milligrams of pseudoephedrine, either separately
5 12 or collectively, within a twenty=four=hour period from a
5 13 pharmacy, or more than one package of a product containing
5 14 pseudoephedrine within a twenty=four hour period from a
5 15 retailer in violation of section 126.23A.
5 16 2. A person shall not purchase more than seven thousand
5 17 five hundred milligrams of pseudoephedrine, either separately
5 18 or collectively, within a thirty=day period from a pharmacy or
5 19 from a retailer in violation of section 126.23A.
5 20 3. A person who violates this section commits a serious
5 21 misdemeanor.
5 22 Sec. 7. Section 126.23A, subsection 1, paragraph a,
5 23 subparagraph (1), Code 2009, is amended by striking the
5 24 subparagraph and inserting in lieu thereof the following:
5 25 (1) Sell more than seven thousand five hundred milligrams
5 26 of pseudoephedrine to the same person within a thirty=day
5 27 period.
5 28 Sec. 8. Section 126.23A, subsection 1, paragraph b, Code
5 29 2009, is amended to read as follows:
5 30 b. A retailer or an employee of a retailer shall do the
5 31 following:
5 32 (1) Provide for the sale of a pseudoephedrine product in a
5 33 locked cabinet or behind a sales counter where the public is
5 34 unable to reach the product and where the public is not
5 35 permitted.

Senate Study Bill 1109 continued

6 1 (2) Require a purchaser to present a government=issued
6 2 photo identification card identifying the purchaser prior to
6 3 purchasing a pseudoephedrine product.
6 4 (3) Require the purchaser to sign a logbook and to also
6 5 require the purchaser to legibly print the purchaser's name
6 6 and address in the logbook.
6 7 (4) Print the name of the pseudoephedrine product
6 8 purchased and quantity sold next to the name of each purchaser
6 9 in the logbook.
6 10 ~~(4)~~ (5) Determine the signature in the logbook
6 11 corresponds with the name on the government=issued photo
6 12 identification card.
6 13 ~~(5)~~ (6) Keep the logbook ~~twelve~~ twenty=four months from
6 14 the date of the last entry.
6 15 ~~(6)~~ (7) Provide notification in a clear and conspicuous
6 16 manner in a location where a pseudoephedrine product is
6 17 offered for sale stating the following:
6 18 Iowa law prohibits the over=the=counter purchase of more
6 19 than one package of a product containing pseudoephedrine in a
6 20 twenty=four=hour period or of more than seven thousand five
6 21 hundred milligrams of pseudoephedrine within a thirty=day
6 22 period. If you purchase a product containing pseudoephedrine,
6 23 you are required to sign a logbook which may be accessible to
6 24 law enforcement officers.
6 25 (8) Provide notification affixed to the logbook stating
6 26 that a purchaser entering a false statement or
6 27 misrepresentation in the logbook may subject the purchaser to
6 28 criminal penalties under 18 U.S.C. } 1001.
6 29 (9) Disclose logbook information as provided by state and
6 30 federal law.
6 31 (10) Comply with training requirements pursuant to federal
6 32 law.
6 33 Sec. 9. CONTINGENT APPLICABILITY == GOVERNOR'S OFFICE OF
6 34 DRUG CONTROL POLICY AND CODE EDITOR RESPONSIBILITIES.
6 35 1. The governor's office of drug control policy shall

Senate Study Bill 1109 continued

7 1 notify the Code editor when the establishment of the
7 2 repository on a statewide basis is complete.
7 3 2. When the establishment of the central repository on a
7 4 statewide basis is complete, the Code editor is directed to
7 5 remove section 124.212A, subsection 2, and section 124.212B,
7 6 subsection 10, from the Code and to internally renumber the
7 7 sections as necessary.
7 8 EXPLANATION
7 9 This bill relates to the sale of a pseudoephedrine product
7 10 by a pharmacy or retailer.
7 11 PENALTIES. The bill provides that a person shall not
7 12 purchase more than 3,600 milligrams of pseudoephedrine, either
7 13 collectively or separately, within a 24=hour period from a
7 14 pharmacy unless the person has a prescription. A person who
7 15 violates this provision of the bill commits a serious
7 16 misdemeanor. Under current law and the bill, a person commits
7 17 a serious misdemeanor if the person purchases more than 7,500
7 18 milligrams of pseudoephedrine within a 30=day period from a
7 19 pharmacy or retailer.
7 20 PHARMACY. The bill requires a purchaser of a
7 21 pseudoephedrine product from a pharmacy to sign an electronic
7 22 logbook. Current law does not require a signature in an
7 23 electronic logbook. The bill also provides that if the
7 24 electronic logbook is unavailable, the pharmacy is required to
7 25 keep an alternative record that complies with rules adopted by
7 26 both the governor's office of drug control policy and the
7 27 state board of pharmacy.
7 28 The bill requires a pharmacy, an employee of a pharmacy, or
7 29 a licensed pharmacist, to enter a purchaser's name, address,
7 30 date of purchase, time of purchase, name of pseudoephedrine
7 31 product, and quantity sold into an electronic logbook. If the
7 32 electronic logbook is unavailable for use, the bill requires
7 33 the pharmacy to keep written records of the transaction
7 34 including a signature.
7 35 The bill requires a pharmacy to keep electronic logbook

Senate Study Bill 1109 continued

8 1 records for a period of 24 months from the date of the last
8 2 entry. Current law requires the pharmacy to keep the logbook
8 3 12 months from the date of the last entry.
8 4 The bill provides that the office of governor's drug
8 5 control policy shall implement and maintain a statewide
8 6 real=time central repository to track pseudoephedrine product
8 7 sales at pharmacies. The bill requires a pharmacy dispensing
8 8 pseudoephedrine products to report all such sales
8 9 electronically to the central repository under the control of
8 10 the office of governor's drug control policy. If the pharmacy
8 11 has written records, the records are also to be reported for
8 12 entry into the repository. If the electronic logbook is
8 13 unavailable for use, the bill requires the pharmacy to keep
8 14 written records of the transaction including a signature.
8 15 The bill makes confidential the information collected in
8 16 the central repository unless otherwise ordered by a court, or
8 17 the records are released by the custodian of the records
8 18 pursuant to state or federal law.
8 19 The bill provides that a pharmacy, an employee of a
8 20 pharmacy, or a licensed pharmacist shall not be liable to any
8 21 person for any claim which may arise when reporting in good
8 22 faith pseudoephedrine sales to the central repository.
8 23 The bill also requires a pharmacy to comply with training
8 24 requirements pursuant to federal law.
8 25 Under the bill, a pharmacy, an employee of a pharmacy, or a
8 26 licensed pharmacist shall not be provided access to the stored
8 27 information in the electronic central repository, except for
8 28 the purpose of obtaining certain information.
8 29 The governor's office of drug control policy and the board
8 30 of pharmacy shall both adopt rules to implement the bill.
8 31 A person who discloses information stored in the central
8 32 repository in violation of the bill commits a simple
8 33 misdemeanor.
8 34 RETAILER. The bill requires a retailer or an employee of a
8 35 retailer to print the name of the pseudoephedrine product

Senate Study Bill 1109 continued

9 1 purchased and the quantity sold next to the name of each
9 2 purchaser in the logbook.
9 3 The bill requires the retailer to keep the logbook 24
9 4 months from the date of the last entry. Current law requires
9 5 the retailer to keep the logbook 12 months from the date of
9 6 the last entry. The bill does not require a retailer to keep
9 7 an electronic logbook of pseudoephedrine purchases.
9 8 The bill also requires a retailer to comply with training
9 9 requirements pursuant to federal law.
9 10 ADVISORY COMMITTEE. The bill requires the office of drug
9 11 control policy to establish a pseudoephedrine advisory
9 12 committee to provide input and advise the office regarding the
9 13 implementation and maintenance of the statewide real=time
9 14 central repository. The advisory committee shall consist of
9 15 four licensed pharmacists including a pharmacist from an
9 16 independent pharmacy, a regional chain pharmacy, and a
9 17 national chain pharmacy. The bill requires the office of drug
9 18 control policy to solicit recommendations for membership on
9 19 the council from the Iowa pharmacy association and Iowa retail
9 20 federation.
9 21 CONTINGENT APPLICABILITY. New Code sections 124.212A and
9 22 124.212B created in the bill do not become applicable until
9 23 sufficient funding is received and the central repository
9 24 under the control of the office of drug control policy is
9 25 established on a statewide basis. However, Code section
9 26 124.212A, subsection 1, paragraph "h", in the bill, which
9 27 requires a pharmacy to keep logbook records 24 months from the
9 28 date of the last entry, is applicable upon the effective date
9 29 of the bill.
9 30 LSB 1250DP 83
9 31 jm/rj/14

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

Senate Study Bill 1110

SENATE/HOUSE FILE
BY (PROPOSED ATTORNEY GENERAL BILL)

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

A BILL FOR

An Act relating to the possession, distribution, and reporting of obscene material and making penalties applicable.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1370DP 83
jm/rj/14

Senate Study Bill 1110 continued

PAG LIN

1 1 Section 1. Section 728.1, subsection 3, Code 2009, is
1 2 amended to read as follows;
1 3 3. "Material" means any book, magazine, newspaper or other
1 4 printed or written material or any picture, drawing,
1 5 photograph, motion picture, or other pictorial representation
1 6 or any statue or other figure, or any recording, transcription
1 7 or mechanical, chemical or electrical reproduction, or any
1 8 live transmission, or any other articles, equipment, machines
1 9 or materials.
1 10 Sec. 2. Section 728.1, subsection 7, paragraphs e and g,
1 11 Code 2009, are amended to read as follows:
1 12 e. Sadomasochistic abuse of a minor for the purpose of
1 13 arousing or satisfying the sexual desires of a person who may
1 14 view a visual depiction of the abuse.
1 15 g. Nudity of a minor for the purpose of arousing or
1 16 satisfying the sexual desires of a person who may view a
1 17 visual depiction of the nude minor.
1 18 Sec. 3. Section 728.1, Code 2009, is amended by adding the
1 19 following new subsection:
1 20 NEW SUBSECTION. 11. "Visual depiction" means but is not
1 21 limited to any picture, slide, photograph, digital or
1 22 electronic image, negative image, undeveloped film, motion
1 23 picture, videotape, digital or electronic recording, live
1 24 transmission, or other pictorial or three=dimensional
1 25 representation.
1 26 Sec. 4. Section 728.12, subsection 1, Code 2009, is
1 27 amended to read as follows:
1 28 1. It shall be unlawful to employ, use, persuade, induce,
1 29 entice, coerce, solicit, knowingly permit, or otherwise cause
1 30 or attempt to cause a minor to engage in a prohibited sexual
1 31 act or in the simulation of a prohibited sexual act. A person
1 32 must know, or have reason to know, or intend that the act or
1 33 simulated act may be photographed, filmed, or otherwise
1 34 preserved in a ~~negative, slide, book, magazine, computer,~~
~~1 35 computer disk, or other print or visual medium, or be~~

~~Senate Study Bill 1110 continued~~

~~2 1 preserved in an electronic, magnetic, or optical storage~~
~~2 2 system, or in any other type of storage system~~ visual
2 3 depiction. A person who commits a violation of this
2 4 subsection commits a class "C" felony. Notwithstanding
2 5 section 902.9, the court may assess a fine of not more than
2 6 fifty thousand dollars for each offense under this subsection
2 7 in addition to imposing any other authorized sentence.
2 8 Sec. 5. Section 728.12, subsection 3, unnumbered paragraph
2 9 1, Code 2009, is amended to read as follows:
2 10 It shall be unlawful to knowingly purchase or possess a
2 11 ~~negative, slide, book, magazine, computer, computer disk, or~~
~~2 12 other print or visual medium, or an electronic, magnetic, or~~
~~2 13 optical storage system, or any other type of storage system~~
~~2 14 which depicts~~ visual depiction of a minor engaging in a
2 15 prohibited sexual act or the simulation of a prohibited sexual
2 16 act. A person who commits a violation of this subsection
2 17 commits an aggravated misdemeanor for a first offense and a
2 18 class "D" felony for a second or subsequent offense. For
2 19 purposes of this subsection, an offense is considered a second
2 20 or subsequent offense if, prior to the person's having been
2 21 convicted under this subsection, any of the following apply:
2 22 Sec. 6. Section 728.14, subsections 1 and 2, Code 2009,
2 23 are amended to read as follows:
2 24 1. A commercial film and photographic print processor who
2 25 has knowledge of or observes, within the scope of the
2 26 processor's professional capacity or employment, a ~~film,~~
~~2 27 photograph, video tape, negative, or slide which depicts~~
2 28 visual depiction of a minor whom the processor knows or
2 29 reasonably should know to be under the age of eighteen,
2 30 engaged in a prohibited sexual act or in the simulation of a
2 31 prohibited sexual act, shall report the visual depiction to
2 32 the county attorney immediately or as soon as possible as
2 33 required in this section. The processor shall not report to
2 34 the county attorney visual depictions involving mere nudity of
2 35 the minor, but shall report visual depictions involving a

Senate Study Bill 1110 continued

3 1 prohibited sexual act. This section shall not be construed to
3 2 require a processor to review all ~~films, photographs, video~~
~~3 3 tapes, negatives, or slides~~ visual depictions delivered to the
3 4 processor within the processor's professional capacity or
3 5 employment.
3 6 2. For purposes of this section, "prohibited sexual act"
3 7 means any of the following:
3 8 a. A sex act as defined in section 702.17.
3 9 b. An act of bestiality involving a minor.
3 10 c. Fondling or touching the pubes or genitals of a minor
3 11 for the purpose of arousing or satisfying the sexual desires
3 12 of a person who may view a visual depiction of the act.
3 13 d. Fondling or touching the pubes or genitals of a person
3 14 by a minor for the purpose of arousing or satisfying the
3 15 sexual desires of a person who may view a visual depiction of
3 16 the act.
3 17 e. Sadomasochistic abuse of a minor for the purpose of
3 18 arousing or satisfying the sexual desires of a person who may
3 19 view a visual depiction of the abuse.
3 20 f. Sadomasochistic abuse of a person by a minor for the
3 21 purpose of arousing or satisfying the sexual desires of a
3 22 person who may view a visual depiction of the abuse.
3 23 g. Nudity of a minor for the purpose of arousing or
3 24 satisfying the sexual desires of a person who may view a
3 25 visual depiction of the nude minor.
3 26 ~~2.~~ 3. A person who violates this section is guilty of a
3 27 simple misdemeanor.
3 28 EXPLANATION
3 29 This bill relates to the possession or distribution of
3 30 obscene material.
3 31 The bill modifies the definition of "material" in Code
3 32 chapter 728 to include live transmissions.
3 33 Under the bill, the modification of the definition of the
3 34 term "material" results in changes to the elements of the
3 35 following criminal offenses within Code chapter 728:

Senate Study Bill 1110 continued

4 1 dissemination of obscene material to minors (Code section
4 2 728.2), admitting minors to premises where obscene material is
4 3 exhibited (Code section 728.3), rental or sale of hard=core
4 4 pornography (Code section 728.4), sexual exploitation of a
4 5 minor (Code section 728.12(2)), and telephone dissemination of
4 6 obscene material (Code section 728.15).
4 7 The bill also defines the term "visual depiction" within
4 8 Code chapter 728 to include any picture, slide, photograph,
4 9 digital or electronic image, negative image, undeveloped film,
4 10 motion picture, videotape, digital or electronic recording,
4 11 live transmission, or other pictorial or three=dimensional
4 12 representation.
4 13 The changes in the bill to the criminal offense of sexual
4 14 exploitation of a minor in Code section 728.12(3) are in
4 15 response to the State v. Muhlenbruch, 728 N.W.2d 212 (Iowa
4 16 2007).
4 17 The bill modifies the elements of the criminal offense of
4 18 sexual exploitation of a minor in Code section 728.12(3) by
4 19 substituting references for a computer and other types of
4 20 storage systems with the term "visual depiction" as defined by
4 21 the bill. The bill also substitutes "visual depiction" for
4 22 storage systems referenced in Code sections 728.12(1) and
4 23 728.14 to conform with the sexual exploitation of a minor
4 24 changes in Code section 728.12(3) due to the Muhlenbruch case.
4 25 In addition, the word "visual" is added before the word
4 26 "depiction" throughout Code chapter 728 to conform with the
4 27 changes made by the bill.
4 28 LSB 1370DP 83
4 29 jm/rj/14

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

Senate Study Bill 1111

SENATE/HOUSE FILE
BY (PROPOSED JUDICIAL
BRANCH BILL)

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

A BILL FOR

An Act relating to courthouse security, lease purchase agreements, and the issuance of bonds for building projects on certain buildings occupied by the judicial branch, and making an appropriation.

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

TLSB 1403XD 83
jm/rj/5

Senate Study Bill 1111 continued

PAG LIN

1 1 Section 1. Section 331.301, subsection 10, paragraph e,
1 2 subparagraph (1), unnumbered paragraph 2, Code 2009, is
1 3 amended to read as follows:
1 4 However, if the principal amount of a lease or
1 5 lease=purchase contract pursuant to this subparagraph is less
1 6 than twenty=five thousand dollars, the board may authorize the
1 7 lease or lease=purchase contract without following the
1 8 authorization procedures of section 331.443. If a lease or
1 9 lease=purchase contract involves real property that is a
1 10 public building which is or will be more than fifty percent
1 11 occupied by the judicial branch, the board may authorize the
1 12 lease or lease=purchase contract without following the
1 13 authorization procedures of section 331.443.
1 14 Sec. 2. Section 331.441, subsection 2, paragraph b,
1 15 subparagraph (5), subparagraph division (b), Code 2009, is
1 16 amended to read as follows:
1 17 (b) Seven hundred fifty thousand dollars in a county
1 18 having a population of more than twenty=five thousand but not
1 19 more than fifty thousand, except as provided in subparagraph
1 20 (18).
1 21 Sec. 3. Section 331.441, subsection 2, paragraph b, Code
1 22 2009, is amended by adding the following new subparagraph:
1 23 NEW SUBPARAGRAPH. (18) Public buildings which are or will
1 24 be more than fifty percent occupied by the judicial branch in
1 25 counties with a population of more than twenty=five thousand
1 26 but not more than fifty thousand.
1 27 Sec. 4. Section 602.1304, subsection 2, paragraph a, Code
1 28 2009, is amended to read as follows:
1 29 a. The enhanced court collections fund is created in the
1 30 state treasury under the authority of the supreme court. The
1 31 fund shall be separate from the general fund of the state and
1 32 the balance in the fund shall not be considered part of the
1 33 balance of the general fund of the state. Notwithstanding
1 34 section 8.33, moneys in the fund shall not revert to the
1 35 general fund, unless and to the extent the total amount of

Senate Study Bill 1111 continued

2 1 moneys deposited ~~into~~ in the fund in a fiscal year would
2 2 exceed the maximum annual deposit amount established for the
2 3 collections fund by the general assembly. The ~~initial~~ maximum
2 4 annual deposit amount for a fiscal year is ~~four~~ five million
2 5 dollars. Notwithstanding section 12C.7, subsection 2,
2 6 interest or earnings on moneys in the collections fund shall
2 7 remain in the collections fund and any interest and earnings
2 8 shall be in addition to the maximum annual deposit amount.
2 9 Sec. 5. Section 602.1304, subsection 2, paragraph c, Code
2 10 2009, is amended to read as follows:
2 11 c. ~~Moneys in the collections fund~~ The first four million
2 12 dollars deposited in the fund during the fiscal year shall be
2 13 used by the judicial branch for the Iowa court information
2 14 system; records management equipment, services, and projects;
2 15 other technological improvements; electronic legal research
2 16 equipment, systems, and projects; and the study, development,
2 17 and implementation of other innovations and projects that
2 18 would improve the administration of justice. ~~The~~ Such moneys
2 19 ~~in the collection fund~~ may also be used for capital
2 20 improvements necessitated by the installation of or connection
2 21 with the Iowa court information system, the Iowa
2 22 communications network, and other technological improvements
2 23 approved by the judicial branch.
2 24 Sec. 6. Section 602.1304, subsection 2, Code 2009, is
2 25 amended by adding the following new paragraph:
2 26 NEW PARAGRAPH. d. If the moneys deposited in the fund
2 27 exceeds four million dollars during the fiscal year, up to one
2 28 million dollars of the excess shall be used by the judicial
2 29 branch to establish a court security grant program. The
2 30 program shall make grant awards to counties for the purpose of
2 31 providing and improving court security. The moneys shall be
2 32 used by counties for the purchase of security equipment and
2 33 building improvements that enhance court security. The
2 34 supreme court shall prescribe rules to administer the court
2 35 security grant program.

Senate Study Bill 1111 continued

EXPLANATION

This bill relates to courthouse security, lease=purchase contracts, and the issuance of bonds for building projects on certain buildings occupied by the judicial branch.

The bill provides that if the real property at interest is a public building which is or will be at least 51 percent occupied by the judicial branch, the board may authorize the lease or lease=purchase contract without following the same authorization procedures set forth in Code section 331.443 for the issuance of essential county purpose bonds.

The bill also provides that a proposed building project for a public building which is or will be at least 51 percent occupied by the judicial branch is exempt from a county vote on the issuance of bonds to fund the project in a county having a population of more than 25,000 but not more than 50,000. Any proposed project applicable under the bill would be considered an "essential county purpose" and the issuance of any bonds would not be subject to a county vote but would be subject to the essential county purpose bond provisions in Code section 331.443.

Current law provides that any proposed building project in excess of $750,000 involving a public building in a county having a population of more than 25,000 but not more than 50,000 is required to have a county vote upon the question of issuing the bonds to fund the project.

The bill increases the maximum annual deposit into the enhanced court collections fund from $4 million to $5 million. If the annual deposit into the fund exceeds $4 million, the bill provides that up to $1 million of the excess shall be used to establish a courthouse security grant program. The bill provides that the grants shall be used by counties for the purchase of courthouse security equipment or building enhancements that improve courthouse security.

Current law limits the use of moneys deposited into the enhanced court collections fund to projects related to the

Senate Study Bill 1111 continued

4 1 Iowa court information system, records management equipment,
4 2 and court technological improvements. The enhanced court
4 3 collections fund is funded through fees and other revenue
4 4 collected by the judicial branch.
4 5 LSB 1403XD 83
4 6 jm/rj/5.1

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

Senate Study Bill 1112

SENATE/HOUSE FILE
BY (PROPOSED JUDICIAL
BRANCH BILL)

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

A BILL FOR

An Act relating to judicial branch records and providing effective dates.

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

TLSB 1404XD 83
rh/rj/8

Senate Study Bill 1112 continued

PAG LIN

1 1 Section 1. NEW SECTION. 22.0A PURPOSE.
1 2 The purpose of this chapter is to provide as much
1 3 transparency in government operations as possible consistent
1 4 with the need to avoid undue invasions of personal privacy and
1 5 the need to avoid significant interference with the
1 6 achievement of other important and legitimate state
1 7 objectives.
1 8 Sec. 2. NEW SECTION. 22.15 JUDICIAL BRANCH == RULES.
1 9 This chapter does not apply to government records owned,
1 10 created, possessed, or under the control of the judicial
1 11 branch. The supreme court shall prescribe rules governing
1 12 access to such records consistent with the provisions of this
1 13 chapter.
1 14 Sec. 3. Section 232.41, Code 2009, is amended to read as
1 15 follows:
1 16 232.41 REPORTER REQUIRED.
1 17 Stenographic notes or mechanical or electronic recordings
1 18 shall be taken of all court hearings held pursuant to this
1 19 division unless waived by the parties. The child shall not be
1 20 competent to waive the reporting requirement, but waiver may
1 21 be made for the child by the child's counsel or guardian ad
1 22 litem. ~~Matters which must be reported under the provisions of~~
~~1 23 this section shall be reported in the same manner as required~~
~~1 24 in section 624.9.~~
1 25 Sec. 4. Section 232.94, Code 2009, is amended to read as
1 26 follows:
1 27 232.94 REPORTER REQUIRED.
1 28 Stenographic notes or electronic or mechanical recordings
1 29 shall be taken of all court hearings held pursuant to this
1 30 division unless waived by the parties. The child shall not be
1 31 competent to waive the reporting requirement, but waiver may
1 32 be made for the child by the child's counsel or guardian ad
1 33 litem. ~~Matters which must be reported under the provisions of~~
~~1 34 this section shall be reported in the same manner as required~~
~~1 35 in section 624.9.~~

Senate Study Bill 1112 continued

2 1 Sec. 5. Section 232.115, Code 2009, is amended to read as
2 2 follows:
2 3 232.115 REPORTER REQUIRED.
2 4 Stenographic notes or electronic or mechanical recordings
2 5 shall be taken of all court hearings held pursuant to this
2 6 division unless waived by the parties. The child shall not be
2 7 competent to waive the reporting requirement, but waiver may
2 8 be made for the child by the child's counsel or guardian ad
2 9 litem. ~~Matters which must be reported under the provisions of~~
~~2 10 this section shall be reported in the same manner as required~~
~~2 11 in section 624.9.~~
2 12 Sec. 6. Section 252B.24, subsection 2, paragraph b, Code
2 13 2009, is amended to read as follows:
2 14 b. Provision to the unit of information filed with the
2 15 clerk of the district court by a party under section 598.22B~~,~~
~~2 16 and the social security number of a child filed with the clerk~~
~~2 17 of the district court under section 602.6111~~.
2 18 Sec. 7. NEW SECTION. 602.1615 JUDICIAL BRANCH RECORDS.
2 19 1. The supreme court shall prescribe rules regarding the
2 20 creation, storage, retention, duplication, reproduction, final
2 21 disposition, destruction, public availability, and security of
2 22 records of the judicial branch of government.
2 23 2. As used in this section, unless the context otherwise
2 24 requires:
2 25 a. "Administrative records" means all records other than
2 26 court records made or received pursuant to court rule or state
2 27 law, or in connection with the transaction of official
2 28 business of any judicial branch entity.
2 29 b. "Court records" means all contents of the court file,
2 30 including the docket and other similar records generated to
2 31 document activity in a case, transcripts filed with the clerk,
2 32 documentary exhibits in the custody of the clerk, and
2 33 electronic or digital recordings, videotapes, and stenographic
2 34 tapes of court proceedings produced by means authorized by the
2 35 supreme court.

Senate Study Bill 1112 continued

3 1 c. "Records" means records, regardless of physical form,
3 2 characteristics, or means of transmission, made or received in
3 3 connection with the transaction of official business of the
3 4 judicial branch of government, consisting of court records and
3 5 administrative records.
3 6 Sec. 8. Section 602.8103, subsections 2 and 3, Code 2009,
3 7 are amended by striking the subsections.
3 8 Sec. 9. Section 607A.47, Code 2009, is amended to read as
3 9 follows:
3 10 607A.47 JUROR QUESTIONNAIRE.
3 11 The court may, on its own motion, or upon the motion of a
3 12 party to the case or upon the request of a juror, order the
3 13 sealing or partial sealing of a completed juror questionnaire,
3 14 if the court finds that it is necessary to protect the safety
3 15 or privacy of a juror or a family member of a juror, including
3 16 the safety or privacy of a juror or a juror's family member
3 17 who has been the victim of sexual or domestic abuse.
3 18 Sec. 10. Section 602.6111, Code 2009, is repealed.
3 19 Sec. 11. Sections 624.9 through 624.11, Code 2009, are
3 20 repealed.
3 21 Sec. 12. EFFECTIVE DATE.
3 22 1. Except as provided in subsection 2, this Act takes
3 23 effect January 1, 2010.
3 24 2. The section of this Act amending section 607A.47 takes
3 25 effect July 1, 2009.
3 26 EXPLANATION
3 27 This bill relates to judicial branch records and provides
3 28 an effective date.
3 29 The bill provides that the provisions of Code chapter 22
3 30 (Iowa's open records law, relating to the regulation of
3 31 records of a government body as defined in that chapter) do
3 32 not apply to government records owned, created, possessed, or
3 33 under the control of the judicial branch related to the
3 34 performance by the courts of their judicial functions, however
3 35 the supreme court shall prescribe rules governing access to

Senate Study Bill 1112 continued

4 1 such records consistent with the purposes of Code chapter 22.
4 2 The bill provides that the purpose of Code chapter 22 is to
4 3 provide as much transparency in government operations as
4 4 possible consistent with the need to avoid undue invasions of
4 5 personal privacy and the need to avoid significant
4 6 interference with the achievement of other important and
4 7 legitimate state objectives.
4 8 The bill provides that the supreme court shall prescribe
4 9 rules regarding the creation, storage, retention, duplication,
4 10 reproduction, final disposition, destruction, public
4 11 availability, and security of records of the judicial branch
4 12 of government. The bill defines a judicial branch record as a
4 13 record, regardless of physical form, characteristic, or means
4 14 of transmission, made or received in connection with the
4 15 transaction of official business of the judicial branch of
4 16 government, consisting of court records and administrative
4 17 records. "Administrative record" means all records other than
4 18 court records made or received pursuant to court rule or state
4 19 law, or in connection with the transaction of official
4 20 business of any judicial branch entity, and "court record"
4 21 means all contents of the court file, including the docket and
4 22 other similar records generated to document activity in a
4 23 case, transcripts filed with the clerk, documentary exhibits
4 24 in the custody of the clerk, and electronic or digital
4 25 recordings, videotapes, and stenographic tapes of court
4 26 proceedings produced by means authorized by the supreme court.
4 27 The bill eliminates certain discretionary powers of a clerk
4 28 of court relating to certain methods of reproduction and
4 29 destruction of original court records.
4 30 The bill provides that the court may, on its own motion, or
4 31 upon the motion of a party to the case or upon the request of
4 32 a juror, order the sealing or partial sealing of a completed
4 33 juror questionnaire, if the court finds that it is necessary
4 34 to protect the safety or privacy of a juror or a family member
4 35 of a juror, including the safety or privacy of a juror or a

Senate Study Bill 1112 continued

5 1 juror's family member who has been the victim of sexual or
5 2 domestic abuse.
5 3 The bill repeals Code sections relating to trial court
5 4 practice and procedure including the elimination of certain
5 5 reporting and certification requirements and makes conforming
5 6 changes to certain reporting requirements in juvenile justice
5 7 proceedings.
5 8 The bill repeals a Code section requiring that certain
5 9 identification information be filed with the clerk of the
5 10 district court including social security numbers.
5 11 The bill takes effect on January 1, 2010, except that the
5 12 section of the bill relating to the sealing of juror
5 13 questionnaires takes effect on July 1, 2009.
5 14 LSB 1404XD 83
5 15 rh/rj/8.1

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

Senate Study Bill 1113

SENATE FILE
BY (PROPOSED COMMITTEE ON AGRICULTURE BILL BY CHAIRPERSON FRAISE)

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

A BILL FOR

An Act relating to the grain depositors and sellers indemnity fund.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1171XC 83
da/nh/14

Senate Study Bill 1113 continued

PAG LIN

1 1 Section 1. Section 203D.5, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. If, at the end of any three=month period, the assets of
1 4 the fund exceed ~~six~~ twelve million dollars, less any
1 5 encumbered balances or pending or unsettled claims, the
1 6 per=bushel fee required under section 203D.3, subsection 2,
1 7 and the dealer=warehouse fee required under section 203D.3,
1 8 subsection 3, shall be waived and the fees are not assessable
1 9 or owing. The board shall reinstate the fees if the assets of
1 10 the fund, less any unencumbered balances or pending or
1 11 unsettled claims, are ~~three~~ six million dollars or less.
1 12 Sec. 2. Section 203D.6, subsection 7, Code 2009, is
1 13 amended to read as follows:
1 14 7. PAYMENT OF CLAIMS. Upon a determination that the claim
1 15 is eligible for payment, the board shall provide for payment
1 16 of ninety percent of the loss, as determined under subsection
1 17 4, but not more than ~~one~~ three hundred ~~fifty~~ thousand dollars
1 18 per claimant. If at any time the board determines that there
1 19 are insufficient funds to make payment of all claims, the
1 20 board may order that payment be deferred on specified claims.
1 21 The department, upon the board's instruction, shall hold those
1 22 claims for payment until the board determines that the fund
1 23 again contains sufficient assets.
1 24 EXPLANATION
1 25 BACKGROUND. This bill amends Code chapter 203D which
1 26 establishes the grain depositors and sellers indemnity fund
1 27 for use in indemnifying a "depositor" who has stored grain
1 28 with a warehouse operator licensed in this state, for losses
1 29 resulting from the depositor's right to receive possession of
1 30 the grain, and a "seller" who is a producer selling grain to a
1 31 grain dealer, for losses resulting from a failure to receive
1 32 payment for that grain. The fund is administered by the Iowa
1 33 grain indemnity fund board, and grain dealers and warehouse
1 34 operators are regulated by the department of agriculture and
1 35 land stewardship.

Senate Study Bill 1113 continued

2 1 The fund is supported by the following fees: (1) a
2 2 dealer=warehouse fee which is a fixed amount imposed upon
2 3 licensed grain dealers and warehouse operators (for grain
2 4 dealers an amount based on whether they hold a class 1 or
2 5 class 2 license, and for warehouse operators an amount based
2 6 on warehouse storage capacity), and (2) a per=bushel fee
2 7 imposed on "purchased grain", which is grain sold to a grain
2 8 dealer by a seller, remitted by the grain dealer to the
2 9 department, and allowed to be passed through to the seller.
2 10 The board is provided discretion in its administration of
2 11 the fund. It may suspend ("waive") the assessment of the
2 12 dealer=warehouse fee or the per=bushel fee, if the
2 13 unencumbered balance of the fund (less pending claims) is more
2 14 than $3 million. Conversely, the fees are automatically
2 15 waived once the balance exceeds $6 million.
2 16 A person who timely files an eligible claim with the board
2 17 is entitled to receive 90 percent of a loss with a maximum
2 18 payout of $150,000.
2 19 BILL'S PROVISIONS. The balance in the fund required to
2 20 automatically waive the assessment of the dealer=warehouse fee
2 21 and the per=bushel fee, is increased from $6 million to $12
2 22 million. The balance in the fund required to automatically
2 23 reinstate the fees is increased from $3 million to $6 million.
2 24 The amount of the maximum payout for a loss by an eligible
2 25 claimant is increased from $150,000 to $300,000.
2 26 LSB 1171XC 83
2 27 da/nh/14.2

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

Senate Study Bill 1114

SENATE/HOUSE FILE
BY (PROPOSED IOWA FINANCE
AUTHORITY BILL)

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

A BILL FOR

An Act requiring licensure of and regulating escrow agents, making an appropriation, and providing a penalty and an effective date.

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

TLSB 1143DP 83
jr/rj/24

Senate Study Bill 1114 continued

PAG LIN

1 1 Section 1. Section 16.5, subsection 1, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. v. Regulate the activities of escrow
1 4 agents through the escrow agent examining board.
1 5 Sec. 2. NEW SECTION. 16.200 PURPOSE.
1 6 The activity of escrow agents in facilitating real estate
1 7 transactions involves important rights of property owners and
1 8 lenders, and the receipt and disbursement of third=party
1 9 funds. Limiting the risk of fraud or other activity
1 10 detrimental to the economic well=being of Iowa's citizens and
1 11 promoting stability in real estate transactions is a public
1 12 purpose. In order to permit uniform and equitable regulation
1 13 of all escrow agents and to improve the standards of escrow
1 14 conduct, this chapter shall be construed to grant the board
1 15 authority to protect the public health, safety, and welfare.
1 16 Sec. 3. NEW SECTION. 16.201 DEFINITIONS.
1 17 As used in section 16.200, this section, and sections
1 18 16.202 through 16.225, unless the context otherwise requires:
1 19 1. "Board" means the escrow agent examining board.
1 20 2. "Escrow" means a transaction wherein a written
1 21 instrument, money, evidence of title to real or personal
1 22 property, or other thing of value is delivered, for the
1 23 purpose of paying an obligation or effecting the sale,
1 24 transfer, encumbrance, or lease of real property located in
1 25 this state, to a person not otherwise having any right, title,
1 26 or interest therein, to be held by that person until the
1 27 happening of a specified event or the performance of a
1 28 prescribed condition, when it is then to be delivered by such
1 29 person to a grantee, grantor, promisee, promisor, obligee,
1 30 obligor, bailee, bailor, or any agent or employee thereof.
1 31 3. "Escrow agent" means a person engaged in the business
1 32 of administering escrows.
1 33 4. "Examining division" means the escrow agent examining
1 34 division created within the authority.
1 35 5. "Licensee" means a person holding a valid license as an

Senate Study Bill 1114 continued

2 1 escrow agent.
2 2 Sec. 4. NEW SECTION. 16.202 ESTABLISHMENT OF ESCROW
2 3 AGENT EXAMINING BOARD AND DIVISION.
2 4 1. An escrow agent examining board is created consisting
2 5 of three members who are professional members and two members
2 6 who shall represent the general public. Members shall be
2 7 appointed by the governor, subject to confirmation by the
2 8 senate. A professional member shall be actively engaged in
2 9 the practice of escrowing and shall have been so engaged for
2 10 five years preceding appointment, the last two of which shall
2 11 have been in Iowa.
2 12 2. Appointments shall be for three=year terms and shall
2 13 commence and end as provided in section 69.19. Vacancies
2 14 shall be filled for the unexpired term by appointment of the
2 15 governor and are subject to senate confirmation. Members
2 16 shall serve no more than three terms or nine years, whichever
2 17 is less.
2 18 3. An escrow agent examining division is created within
2 19 the authority. The executive director of the authority shall
2 20 appoint a director of the examining division who shall serve
2 21 as an ex officio, nonvoting member of the board. The
2 22 executive director of the authority shall hire and provide
2 23 staff to assist the board in administering this chapter.
2 24 Sec. 5. NEW SECTION. 16.203 LICENSE REQUIRED ==
2 25 EXEMPTIONS.
2 26 A person shall not engage in business as an escrow agent
2 27 without first obtaining a license pursuant to this chapter.
2 28 This chapter shall not apply to any of the following:
2 29 1. A bank, bank holding company, trust company, savings
2 30 bank, savings and loan association, or credit union that is
2 31 subject to licensing, supervision, or auditing by an agency of
2 32 this state, another state, or the United States, or any
2 33 subsidiary or affiliate thereof.
2 34 2. A mortgage lender or mortgage banker maintaining an
2 35 office in this state whose principal business in this state is

Senate Study Bill 1114 continued

3 1 conducted with or through a mortgage lender or mortgage banker
3 2 to which this chapter does not otherwise apply and which
3 3 maintains a place of business in this state.
3 4 3. An insurance company organized under the laws of this
3 5 state and subject to regulation by the commissioner of
3 6 insurance, or a wholly owned subsidiary with its principal
3 7 place of business in this state.
3 8 4. A person licensed to practice law in this state
3 9 rendering services in the performance of duties as an attorney
3 10 at law and utilizing an interest on lawyers' trust account to
3 11 hold escrow funds. However, an attorney who owns or operates
3 12 a company engaged in the business of administering escrows
3 13 separate and distinct from the practice of law shall be
3 14 subject to this chapter.
3 15 5. A real estate broker licensed under chapter 543B who is
3 16 the broker for a party to the escrow and utilizing a real
3 17 estate escrow account.
3 18 6. An officer or employee of the federal government, any
3 19 state government, or a political subdivision of the state
3 20 acting in an official capacity.
3 21 7. A person acting under the supervision or order of any
3 22 court.
3 23 8. A qualified intermediary facilitating an exchange under
3 24 section 1031 of the Internal Revenue Code whose role in the
3 25 transaction is limited to the receipt of moneys or other
3 26 property.
3 27 Sec. 6. NEW SECTION. 16.204 LICENSE == APPLICATION.
3 28 An application for an escrow agent license must be in
3 29 writing in such form as is prescribed by the board, and must
3 30 be verified on oath by the applicant. Notification of
3 31 material changes in the information contained in an
3 32 application must be immediately filed with the examining
3 33 division. The application must be accompanied by a filing fee
3 34 as set by rule adopted pursuant to this chapter and contain
3 35 the following:

Senate Study Bill 1114 continued

4 1 1. The applicant's form of business organization and place
4 2 of organization.
4 3 2. If the applicant is a corporation or limited liability
4 4 company, the address of the physical location of its
4 5 headquarters, a list of employees, officers, controlling
4 6 persons, and directors of such corporation or company and
4 7 their residential addresses, telephone numbers, and other
4 8 identifying information as required by rule adopted pursuant
4 9 to this chapter. If the applicant is a sole proprietorship or
4 10 partnership, the address of its business location, a list of
4 11 owners, partners, employees, and controlling persons and their
4 12 residential addresses, telephone numbers, and other
4 13 identifying information as required by rule adopted pursuant
4 14 to this chapter.
4 15 3. The name under which the applicant will conduct
4 16 business.
4 17 4. The qualifications and business history of the
4 18 applicant and all of its officers, directors, owners,
4 19 partners, employees, and controlling persons.
4 20 5. The name of a natural person to receive service of
4 21 process.
4 22 6. Evidence of compliance with the financial
4 23 responsibility requirements of section 16.210.
4 24 7. Whether any of the officers, directors, owners,
4 25 partners, employees, or controlling persons have been
4 26 convicted of any crime which relates to the business or duties
4 27 of escrow agents, or have suffered a judgment in any civil
4 28 action involving fraud, misrepresentation, or any unfair or
4 29 deceptive act or practice.
4 30 8. Any other information the board may require by rule.
4 31 Sec. 7. NEW SECTION. 16.205 GRANTING AND DENIAL OF
4 32 LICENSE.
4 33 1. Upon the filing of an application for a license on a
4 34 form provided by the board and satisfying the requirements as
4 35 set forth in this chapter, the board shall issue and deliver

Senate Study Bill 1114 continued

5 1 to the applicant a license to engage in the business of an
5 2 escrow agent at the location set forth in the license if the
5 3 board finds the financial responsibility, character, and
5 4 general fitness of the applicant and of the members and
5 5 employees thereof if the applicant is a partnership,
5 6 association, or other organization and of the officers,
5 7 directors, and employees thereof if the applicant is a
5 8 corporation, are such to warrant belief that the business will
5 9 be operated honestly, soundly, and efficiently in the public
5 10 interest, consistent with the purposes of this chapter. If
5 11 the board does not so find, the board shall not issue the
5 12 license and the board shall notify the applicant in writing of
5 13 the denial and the reasons for the denial.
5 14 2. The board shall approve or deny an application for a
5 15 license within ninety days after the filing of the application
5 16 for a license.
5 17 Sec. 8. NEW SECTION. 16.206 LICENSE == DURATION ==
5 18 POSTING.
5 19 An escrow agent's license remains in effect until
5 20 surrendered, revoked, suspended, or until the license expires
5 21 and copies of the license shall at all times be kept
5 22 conspicuously posted in all places of business of the
5 23 licensee.
5 24 Sec. 9. NEW SECTION. 16.207 LICENSE == SPECIFICATION OF
5 25 PLACE OF BUSINESS.
5 26 An applicant desiring to be licensed as an escrow agent
5 27 shall maintain a physical place of business in this state for
5 28 the transaction of business pursuant to the authority granted
5 29 in the license. A licensee may transact business from another
5 30 location other than that designated in the license.
5 31 Sec. 10. NEW SECTION. 16.208 PROHIBITION ON
5 32 ADMINISTERING ESCROWS IN CONJUNCTION WITH MORTGAGE BROKERS ==
5 33 EXCEPTIONS.
5 34 A licensee who is also a mortgage broker subject to
5 35 licensing pursuant to chapter 535B shall not conduct the

Senate Study Bill 1114 continued

6 1 business of administering escrows pursuant to this chapter
6 2 unless the licensee and the mortgage broker maintain separate
6 3 accounts, books, and records, and maintain separate licenses.
6 4 Sec. 11. NEW SECTION. 16.209 LICENSE == EXPIRATION,
6 5 RENEWAL, AND REINSTATEMENT == FEES.
6 6 1. A license issued pursuant to this chapter expires on
6 7 July 1 of each year if not renewed. A license may be renewed
6 8 prior to expiration by filing an application for renewal,
6 9 paying the annual fee for the succeeding year as set by the
6 10 board, and submitting all information required to complete the
6 11 renewal.
6 12 2. The escrow agent examining board may recommend rules
6 13 for adoption by the Iowa finance authority board which
6 14 establish a grace period following expiration of a license in
6 15 which the license is not invalidated. The escrow agent
6 16 examining board may assess a reasonable penalty for renewal of
6 17 a license during the grace period. Failure of a licensee to
6 18 renew a license within the grace period shall cause the
6 19 license to lapse. A licensee whose license has lapsed shall
6 20 not act as an escrow agent until the license is reinstated.
6 21 Sec. 12. NEW SECTION. 16.210 FINANCIAL RESPONSIBILITY.
6 22 1. At the time of filing an application for an escrow
6 23 agent license, or any renewal or reinstatement of an escrow
6 24 agent license, the applicant shall provide satisfactory
6 25 evidence to the board of having obtained evidence of financial
6 26 responsibility.
6 27 2. The escrow agent examining board may recommend rules
6 28 for adoption by the Iowa finance authority board which shall
6 29 establish financial responsibility requirements, which may
6 30 include fidelity bonds, surety bonds, errors and omissions
6 31 policies, or alternative forms of financial responsibility,
6 32 including collateral if the collateral provides protection to
6 33 the state and any aggrieved person that is equivalent to that
6 34 provided by a bond or errors and omissions policy.
6 35 3. A fidelity bond, surety bond, errors and omissions

Senate Study Bill 1114 continued

7 1 policy, or alternative collateral required by the board shall
7 2 be kept in full force and effect as a condition precedent to
7 3 the escrow agent's authority to transact escrow business in
7 4 this state, and the escrow agent shall supply the board with
7 5 satisfactory evidence thereof upon request.
7 6 4. In the event of cancellation or withdrawal of the
7 7 required fidelity bond, surety bond, errors and omissions
7 8 policy, or alternative collateral, the board shall require new
7 9 evidence of financial responsibility. Failure to provide the
7 10 board with satisfactory evidence shall be sufficient grounds
7 11 for the suspension or revocation of the escrow agent's
7 12 license.
7 13 Sec. 13. NEW SECTION. 16.211 DUTIES OF THE BOARD.
7 14 1. The board shall enforce this chapter and shall conduct
7 15 examinations of applicants for licensure. The board shall
7 16 keep a record of its proceedings. The board shall adopt an
7 17 official seal which shall be affixed to all certificates of
7 18 licensure granted. The board shall maintain a roster showing
7 19 the name, place of business, and residence, and the date and
7 20 number of the certificate of licensure of every escrow agent
7 21 in this state.
7 22 2. The board shall elect annually from its members a
7 23 chairperson and vice chairperson. A majority of the members
7 24 constitutes a quorum. Action at any meeting shall not be
7 25 taken without the affirmative votes of a majority of the
7 26 members of the board.
7 27 3. The board shall do all of the following:
7 28 a. Recommend rules for adoption by the Iowa finance
7 29 authority board pursuant to chapter 17A, as set out in this
7 30 section.
7 31 b. Conduct or cause to be conducted an examination of each
7 32 licensee licensed pursuant to this chapter or rules adopted
7 33 pursuant to this chapter.
7 34 c. Conduct or cause to be conducted such investigations as
7 35 may be necessary to determine whether any person has violated

Senate Study Bill 1114 continued

8 1 any provision of this chapter or rules adopted pursuant to
8 2 this chapter.
8 3 d. Conduct or cause to be conducted such examinations,
8 4 investigations, and hearings, in addition to those
8 5 specifically provided for by law, as may be necessary and
8 6 proper for the efficient administration of the laws of this
8 7 state relating to escrow.
8 8 e. Recommend to the Iowa finance authority board rules for
8 9 the fees to be paid by licensees for the supervision and
8 10 examination of the licensees by the board.
8 11 f. Recommend to the Iowa finance authority board rules for
8 12 the continuing education requirements for licensees.
8 13 Sec. 14. NEW SECTION. 16.212 EXAMINATIONS.
8 14 1. The board may conduct examinations of a licensee as
8 15 often as the board deems necessary for the purpose of assuring
8 16 the licensee is in compliance with all laws, rules, or orders
8 17 issued by the board.
8 18 2. The board shall have full access to a licensee's
8 19 records pertaining to escrow functions and may make inquiries
8 20 as may be necessary to ascertain the condition of the
8 21 licensee. All directors, incorporators, officers, employees,
8 22 and agents of a licensee being examined shall cooperate fully
8 23 with the board and shall answer all inquiries and furnish all
8 24 information pertaining to the same, to the best of their
8 25 knowledge and ability.
8 26 Sec. 15. NEW SECTION. 16.213 RECORDS OF ESCROW
8 27 TRANSACTIONS.
8 28 A licensee shall maintain, for a period of not less than
8 29 seven years, complete and suitable records of all escrow
8 30 transactions. Such records shall be maintained at the
8 31 licensee's principal place of business. The records required
8 32 by this section may be stored in electronic format.
8 33 Sec. 16. NEW SECTION. 16.214 RECORDS OF BOARD == PUBLIC
8 34 INSPECTION AND DISCIPLINARY ORDERS.
8 35 1. All papers, documents, reports, and other writings

Senate Study Bill 1114 continued

9 1 filed with the board pursuant to this chapter shall be kept
9 2 confidential except as otherwise provided in this section,
9 3 notwithstanding chapter 22.
9 4 2. The board may release the papers, documents, reports,
9 5 and other writings in the course of an enforcement proceeding
9 6 or at a hearing held by the board.
9 7 3. The board may provide examination papers, documents,
9 8 reports, and other writings to the attorney general for
9 9 purposes of enforcing this chapter or the consumer fraud Act,
9 10 section 714.16.
9 11 Sec. 17. NEW SECTION. 16.215 SALE OR TRANSFER OF LICENSE
9 12 OR CHANGE IN CONTROL.
9 13 1. A license issued pursuant to this chapter is not
9 14 transferable.
9 15 2. A licensee shall make a new application to the board,
9 16 pursuant to section 16.204, under the following circumstances:
9 17 a. A change in at least twenty=five percent of the
9 18 outstanding voting stock of a licensee.
9 19 b. A bona fide sale of all or substantially all of the
9 20 ongoing operations of a licensee.
9 21 c. The sale of any outstanding voting stock of an escrow
9 22 agent if the acquisition will result in a change in the
9 23 control of the escrow agent.
9 24 3. The board may waive the requirements of this section
9 25 pursuant to an application that has undergone similar
9 26 investigation by a state or federal agency in connection with
9 27 the licensing of the applicant.
9 28 Sec. 18. NEW SECTION. 16.216 ADMINISTRATION FUND.
9 29 1. An administration fund is created in the state treasury
9 30 under the control of the board. Except as otherwise provided
9 31 by law, any moneys collected by the board or authority
9 32 pursuant to the escrow agent licensing provisions of this
9 33 chapter shall be deposited in the fund, is appropriated, and
9 34 shall only be used to carry out the programs and laws related
9 35 to the business of administering escrows as administered by

Senate Study Bill 1114 continued

10 1 the board and the authority and pay the expenses related to
10 2 such operations of the board and the authority.
10 3 2. Notwithstanding section 8.33, moneys in the fund at the
10 4 end of each fiscal year shall not revert to any other fund but
10 5 shall remain in the fund for expenditure for subsequent fiscal
10 6 years.
10 7 3. Any interest or income earned on moneys in the fund
10 8 shall be credited to the fund after deducting any applicable
10 9 charges.
10 10 4. If the board determines that there are surplus moneys
10 11 in the fund after providing for operating expenses of the
10 12 board, the surplus moneys shall be transferred to the housing
10 13 assistance fund created pursuant to section 16.40.
10 14 5. Claims against the examining division or examining
10 15 board shall be payable solely and only out of the moneys,
10 16 assets, and revenues of the fund and are not an indebtedness
10 17 or liability of the Iowa finance authority.
10 18 Sec. 19. NEW SECTION. 16.217 LEGAL ACTION BY PRIVATE
10 19 PARTY.
10 20 A private party may bring an action against a person who
10 21 acts in the capacity of an escrow agent without a license
10 22 pursuant to this chapter to recover, in addition to actual
10 23 damages, one hundred dollars in statutory damages per each
10 24 transaction in violation of this chapter, reasonable attorney
10 25 fees, and costs. When the board has commenced action by
10 26 serving notice, a private party shall not bring a related
10 27 private cause of action based on the facts underlying the
10 28 pending action unless otherwise authorized by rules adopted
10 29 pursuant to this chapter.
10 30 Sec. 20. NEW SECTION. 16.218 DISCIPLINARY PROCEEDINGS.
10 31 1. The board may investigate the actions of a licensee and
10 32 may revoke or suspend the license or otherwise discipline a
10 33 licensee for violation of a provision of this chapter,
10 34 violation of chapter 272C, violation of a rule adopted
10 35 pursuant to this chapter, violation of an order of the board

Senate Study Bill 1114 continued

11 1 or any other state or federal law applicable to the conduct of
11 2 its business, or commission of any of the following acts or
11 3 omissions:
11 4 a. The licensee has procured or attempted to procure a
11 5 license under this chapter by knowingly making a false
11 6 statement, submitting false information, refusing to provide
11 7 complete information in response to a question in an
11 8 application for licensure, or participating in any form of
11 9 fraud or misrepresentation.
11 10 b. The licensee has been convicted, including a conviction
11 11 based upon a plea of guilty or nolo contendere, of a crime
11 12 which is substantially related to the qualifications,
11 13 functions, and duties of an escrow agent.
11 14 c. A fact or condition exists which, if it had existed at
11 15 the time of the original application for the license, would
11 16 have warranted the board to refuse originally to issue the
11 17 license.
11 18 d. The licensee is found upon investigation to be
11 19 insolvent, in which case the license shall be revoked
11 20 immediately.
11 21 e. The financial condition of the licensee is such that it
11 22 cannot continue in business with safety to escrow agency
11 23 customers.
11 24 f. The licensee has committed fraud in connection with any
11 25 transaction governed by this chapter or a rule adopted
11 26 pursuant to this chapter or any other state or federal law
11 27 applicable to the conduct of its business.
11 28 g. The licensee has had a professional license of any kind
11 29 revoked in any state or jurisdiction. An agreement to
11 30 surrender a license and not to operate in an occupation in
11 31 which a professional license is required shall be considered a
11 32 revocation for the purposes of this paragraph.
11 33 2. The board may impose one or more of the following
11 34 disciplinary actions against a licensee:
11 35 a. Revoke a license.

Senate Study Bill 1114 continued

12 1 b. Suspend a license until further order of the board or
12 2 for a specified period of time.
12 3 c. Impose a period of probation under specified
12 4 conditions.
12 5 d. Impose civil penalties in an amount not to exceed five
12 6 thousand dollars for each violation.
12 7 e. Issue a citation and warning respecting licensee
12 8 behavior.
12 9 3. The board may order an emergency suspension of a
12 10 license pursuant to chapter 17A. A written order containing
12 11 the facts or conduct which warrants the emergency action shall
12 12 be timely sent to the licensee by restricted certified mail.
12 13 Upon issuance of the suspension order, the licensee shall be
12 14 notified of the right to an evidentiary hearing. A suspension
12 15 proceeding shall be promptly instituted.
12 16 4. A licensee may surrender a license by delivering to the
12 17 board written notice of surrender, but a surrender does not
12 18 affect the licensee's civil or criminal liability for acts
12 19 committed before the surrender.
12 20 5. A revocation, suspension, or surrender of a license
12 21 does not impair or affect the obligation of a preexisting
12 22 lawful contract between the licensee and any person.
12 23 6. Notice of the entry of an order of suspension or
12 24 revocation or of the imposition of a penalty or denial of a
12 25 license to an escrow agent shall be given in writing, served
12 26 personally, or sent by certified mail to the last known
12 27 address of the escrow agent affected.
12 28 7. Upon the suspension or revocation of a license, or the
12 29 voluntary surrender of a license in lieu of suspension or
12 30 revocation, the board may immediately take possession of all
12 31 the property, business, and assets of the escrow agent and
12 32 retain possession of them pending further proceedings provided
12 33 for in this chapter or rules adopted pursuant to this chapter.
12 34 Sec. 21. NEW SECTION. 16.219 CEASE AND DESIST POWERS ==
12 35 INJUNCTIVE RELIEF == SUBPOENAS.

Senate Study Bill 1114 continued

13 1 1. The board has the following cease and desist powers:
13 2 a. If the board has reason to believe that a person is
13 3 conducting business in an unsafe and injurious manner or in
13 4 violation of this chapter or rules adopted pursuant to this
13 5 chapter, after notice and hearing, the board may order a
13 6 person to cease and desist from violating any provision of
13 7 this chapter or rules adopted pursuant to this chapter.
13 8 b. The board, when conducting examinations,
13 9 investigations, or hearings, may administer oaths, and examine
13 10 and cross examine witnesses, receive evidence, and subpoena
13 11 witnesses, compel their attendance, and require the production
13 12 of all papers, documents, reports, and other writings which
13 13 the board deems relevant to the inquiry. In case of a refusal
13 14 of a person to comply with a subpoena issued under this
13 15 section or to testify with respect to any matter relevant to a
13 16 proceeding, on application of the board, the district court of
13 17 Polk county may issue an order requiring the person to comply
13 18 with the subpoena and to testify. A failure to obey an order
13 19 of the court to comply with the subpoena may be punished by
13 20 the court as a civil contempt. A cease and desist hearing
13 21 need not observe any formal rules of pleading or evidence.
13 22 c. If after the hearing, the board finds that the person
13 23 charged has violated this chapter or rules adopted pursuant to
13 24 this chapter, the board shall issue written findings, a copy
13 25 of which shall be served upon the person charged with the
13 26 violation, along with an order requiring the person to cease
13 27 and desist from engaging in the violation.
13 28 2. A person aggrieved by a cease and desist order of the
13 29 board may obtain judicial review of the order and the board
13 30 may obtain an order of the Polk county district court for the
13 31 enforcement of the cease and desist order.
13 32 3. A proceeding for judicial review must be initiated,
13 33 pursuant to section 17A.19, within thirty days after the
13 34 aggrieved person receives the cease and desist order. If a
13 35 proceeding is not initiated, the board may obtain a decree of

Senate Study Bill 1114 continued

14 1 the Polk county district court for enforcement of the cease
14 2 and desist order.
14 3 4. A person who violates a cease and desist order of the
14 4 board may, after notice and hearing, and upon further order of
14 5 the board, be subject to a penalty not to exceed five thousand
14 6 dollars for each act or violation of the cease and desist
14 7 order.
14 8 5. The board may request the attorney general to enforce
14 9 the provisions of this chapter. A civil enforcement action by
14 10 the attorney general may be filed in equity in either the
14 11 county in which the violation occurred or Polk county. A
14 12 civil enforcement action by the attorney general may seek any
14 13 or all of the following:
14 14 a. Temporary and permanent injunctive relief.
14 15 b. Restitution for an aggrieved party due to a violation
14 16 of this chapter or the rules adopted pursuant to this chapter.
14 17 c. Costs for the investigation and prosecution of the
14 18 enforcement action including attorney fees.
14 19 6. This chapter does not limit the power of the attorney
14 20 general to determine that any other practice is unlawful under
14 21 the Iowa consumer fraud Act, section 714.16, and to file an
14 22 action under that section.
14 23 Sec. 22. NEW SECTION. 16.220 PROCEDURES FOLLOWING
14 24 DECISION ON APPEAL.
14 25 1. If the order of the board is reversed, the court shall
14 26 specifically direct the board as to the board's further action
14 27 in the matter including the making and entering of any order
14 28 and any conditions, limitations, or restrictions to be
14 29 contained in the order. The board may revoke or alter the
14 30 order for any proper cause which is discovered after the order
14 31 is issued.
14 32 2. If an order of the board is affirmed, the appellant is
14 33 not barred after one year from filing a new application if
14 34 such application is not otherwise barred or limited.
14 35 3. The appeal does not suspend the operation of the order

Senate Study Bill 1114 continued

15 1 appealed from during the pendency of the appeal except upon
15 2 order of the court.
15 3 Sec. 23. NEW SECTION. 16.221 TRUST ACCOUNTS.
15 4 1. All moneys deposited in escrow to be delivered upon the
15 5 close of the escrow or upon any other contingency must be
15 6 deposited in a trust account in a financial institution that
15 7 is insured by the federal deposit insurance corporation or
15 8 national credit union share insurance fund unless another
15 9 financial institution has been designated in writing in the
15 10 escrow instructions.
15 11 2. The moneys when deposited must be designated as trust
15 12 funds or escrow accounts or under some other appropriate name
15 13 indicating that the moneys are not the moneys of the licensee.
15 14 3. The trust account shall be an interest=bearing account.
15 15 Unless otherwise instructed in writing by the parties to the
15 16 escrow agreement, the interest on the account shall be
15 17 transferred to the administration fund created by section
15 18 16.216. The licensee shall not benefit from interest received
15 19 on moneys of others in the possession of the licensee.
15 20 4. A licensee shall notify the board of the name of each
15 21 financial institution in which a trust account is maintained
15 22 and the name of the account on forms acceptable to the board.
15 23 A licensee may maintain more than one trust account provided
15 24 the board is advised of the multiple trust accounts.
15 25 5. A licensee shall only deposit trust funds or escrow
15 26 funds in a trust account and shall not commingle the
15 27 licensee's personal funds or other funds in the trust account
15 28 with the exception that a licensee may deposit and keep a sum
15 29 not to exceed five hundred dollars in the trust account from
15 30 the licensee's personal funds, which sum shall be specifically
15 31 identified and deposited to cover bank service charges
15 32 relating to the trust account.
15 33 6. Money deposited in escrow is not subject to execution
15 34 or attachment on any claim against the licensee.
15 35 7. A licensee shall not knowingly keep or cause to be kept

Senate Study Bill 1114 continued

16 1 any moneys in any bank, credit union, or other financial
16 2 institution under any name designating the moneys as belonging
16 3 to a client of a licensee, unless the money was actually
16 4 entrusted to the licensee by the client for deposit in escrow.
16 5 8. The board shall conduct examinations of a trust
16 6 account, as deemed necessary by the board.
16 7 Sec. 24. NEW SECTION. 16.222 PROOF OF LICENSURE REQUIRED
16 8 IN ACTION FOR COLLECTION OF COMPENSATION.
16 9 A person engaged in the business or acting in the capacity
16 10 of an escrow agent within this state shall not bring or
16 11 maintain an action in a court of this state for the collection
16 12 of compensation for the performance of a act pursuant to this
16 13 chapter without alleging and proving that the person was a
16 14 licensed escrow agent at the time the alleged cause of action
16 15 arose.
16 16 Sec. 25. NEW SECTION. 16.223 STATUTORY AND COMMON LAW
16 17 RIGHTS UNAFFECTED.
16 18 The provisions of this chapter do not limit any statutory
16 19 or common law right of any person to bring an action in a
16 20 court for an act involved in the transaction of the escrow
16 21 business or the right of the state to punish a person for any
16 22 violation of a law.
16 23 Sec. 26. NEW SECTION. 16.224 TRANSACTIONS BY FOREIGN
16 24 CORPORATIONS.
16 25 A foreign corporation shall not transact an escrow business
16 26 in this state unless the foreign corporation qualifies under
16 27 chapter 490 and otherwise complies with the provisions of this
16 28 chapter.
16 29 Sec. 27. Section 272C.1, subsection 6, Code 2009, is
16 30 amended by adding the following new paragraph:
16 31 NEW PARAGRAPH. af. The escrow agent examining board,
16 32 created pursuant to chapter 16.
16 33 Sec. 28. Section 272C.3, subsection 2, paragraph a, Code
16 34 2009, is amended to read as follows:
16 35 a. Revoke a license, or suspend a license either until

Senate Study Bill 1114 continued

17 1 further order of the board or for a specified period, upon any
17 2 of the grounds specified in section 16.218, 105.22, 147.55,
17 3 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13, 455B.219,
17 4 542.10, 542B.21, 543B.29, 544A.13, 544B.15, or 602.3203 or
17 5 chapter 151 or 155, as applicable, or upon any other grounds
17 6 specifically provided for in this chapter for revocation of
17 7 the license of a licensee subject to the jurisdiction of that
17 8 board, or upon failure of the licensee to comply with a
17 9 decision of the board imposing licensee discipline.
17 10 Sec. 29. Section 272C.4, subsection 6, Code 2009, is
17 11 amended to read as follows:
17 12 6. Define by rule acts or omissions that are grounds for
17 13 revocation or suspension of a license under section 16.218,
17 14 105.22, 147.55, 148.6, 148B.7, 152.10, 153.34, 154A.24,
17 15 169.13, 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15,
17 16 or 602.3203 or chapter 151 or 155, as applicable, and to
17 17 define by rule acts or omissions that constitute negligence,
17 18 careless acts, or omissions within the meaning of section
17 19 272C.3, subsection 2, paragraph "b", which licensees are
17 20 required to report to the board pursuant to section 272C.9,
17 21 subsection 2.
17 22 Sec. 30. Section 272C.5, subsection 2, paragraph c, Code
17 23 2009, is amended to read as follows:
17 24 c. Shall state whether the procedures are an alternative
17 25 to or an addition to the procedures stated in sections 16.218
17 26 through 16.220, 105.23 and 105.24, 148.6 through 148.9,
17 27 152.10, 152.11, 153.33, 154A.23, 542.11, 542B.22, 543B.35,
17 28 543B.36, and 544B.16.
17 29 Sec. 31. EFFECTIVE DATE. This Act takes effect on July 1,
17 30 2010.
17 31 EXPLANATION
17 32 This bill creates a new, five=member licensing board, the
17 33 escrow agent examining board. The board is created within the
17 34 Iowa finance authority. Escrow agents generally operate as
17 35 neutral third parties on behalf of sellers and buyers in a

Senate Study Bill 1114 continued

18 1 real estate transaction, accepting funds and documents for
18 2 delivery to the parties when the terms of escrow have been
18 3 completed. Licenses may be issued either to individuals or
18 4 businesses. Several entities are excluded from the licensure
18 5 requirements: Iowa banks, Iowa mortgage or insurance
18 6 companies, lawyers acting within the scope of their practice,
18 7 real estate brokers, government employees, and persons acting
18 8 under the direction of a court.
18 9 The escrow agent examining board follows the traditional
18 10 licensing board model, issuing annual licenses, conducting
18 11 examinations, investigations, and hearings, and imposing
18 12 licensee discipline that includes license suspension or
18 13 revocation. The examining board may also issue cease and
18 14 desist orders if a licensee is conducting business in an
18 15 unsafe and injurious manner or in violation of the law. A
18 16 person who violates a cease and desist order may be subject to
18 17 a penalty not to exceed $5,000 for each act or violation of
18 18 the cease and desist order.
18 19 The board does not hold the power to adopt its own rules;
18 20 rulemaking authority is held by the Iowa finance authority.
18 21 Any person may bring legal action against an escrow agent
18 22 who does not hold the required license. In addition to actual
18 23 damages, the person bringing the action may collect $100 in
18 24 statutory damages per each transaction in violation of the
18 25 law, reasonable attorney fees, and costs.
18 26 Under the bill, all moneys deposited in escrow must be
18 27 deposited in an interest=bearing trust account in a financial
18 28 institution that is insured by the federal deposit insurance
18 29 corporation or national credit union share insurance fund
18 30 unless another financial institution has been designated in
18 31 writing in the escrow instructions.
18 32 The operation of the board is self=sustaining, a fund is
18 33 created in the state treasury under the control of the board
18 34 and any money collected by the board or authority is deposited
18 35 in the fund, and is appropriated to pay the expenses related

Senate Study Bill 1114 continued

```
19  1 to the operations of the board and the authority.  Unused
19  2 funds do not revert to the general fund.
19  3    The bill takes effect on July 1, 2010.
19  4 LSB 1143DP 83
19  5 jr/rj/24.2
```

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

Senate Study Bill 1115

SENATE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON WARNSTADT)

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

A BILL FOR

An Act prohibiting the use of insurance scores calculated using the occupation and education levels of consumers when underwriting or rating personal insurance risks.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1598XC 83
av/rj/14

Senate Study Bill 1115 continued

PAG LIN

1 1 Section 1. Section 515.103, subsection 2, paragraph a,
1 2 Code 2009, is amended to read as follows:
1 3 a. Use an insurance score that is calculated using income,
1 4 gender, address, zip code, ethnic group, religion, marital
1 5 status, occupation, education level, race, or nationality of a
1 6 consumer as a factor.
1 7 EXPLANATION
1 8 This bill prohibits the use of credit information that uses
1 9 an insurance score that is calculated using the occupation or
1 10 education level of the consumer as a factor to underwrite or
1 11 rate risks for a policy of personal insurance.
1 12 LSB 1598XC 83
1 13 av/rj/14

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

Senate Study Bill 1116

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

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

A BILL FOR

An Act relating to solid waste tonnage fees and making a penalty applicable.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1260DP 83
tm/nh/8

Senate Study Bill 1116 continued

PAG LIN

1 1 Section 1. Section 455B.301, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 10A. "Industrial solid waste" means the
1 4 same as defined in 40 C.F.R. } 258.2, as amended.
1 5 Sec. 2. Section 455B.310, subsection 1, Code 2009, is
1 6 amended to read as follows:
1 7 1. Except as provided in subsection 5, the operator of a
1 8 sanitary landfill shall pay a tonnage fee to the department
1 9 for each ton ~~or equivalent volume~~ of solid waste received and
1 10 disposed of at the sanitary landfill during the preceding
1 11 reporting period. ~~The department shall determine by rule the~~
~~1 12 volume which is equivalent to a ton of waste.~~ In addition,
1 13 the operator of a transfer station shall pay a tonnage fee to
1 14 the department for each ton of solid waste received at the
1 15 transfer station during the preceding reporting period that is
1 16 ultimately disposed of at a sanitary landfill not required to
1 17 pay a tonnage fee under this subsection. Tonnage fees shall
1 18 be paid in the manner provided in subsection 7 and shall not
1 19 be applied to the same solid waste more than once.
1 20 Sec. 3. Section 455B.310, subsection 4, paragraph d, Code
1 21 2009, is amended to read as follows:
1 22 d. Each sanitary landfill ~~owner or~~ operator or transfer
1 23 station operator required to pay a tonnage fee under
1 24 subsection 1 shall submit a return to the department
1 25 identifying the use of all fees retained under this section
1 26 including the manner in which the fees were distributed. A
1 27 planning area entering into an agreement pursuant to section
1 28 455B.306, subsection 2, shall submit such information to the
1 29 department and a planning area receiving the solid waste under
1 30 such an agreement shall, in addition, submit evidence to the
1 31 department demonstrating that required retained fees were
1 32 returned in a timely manner to other planning areas under the
1 33 agreement. The return shall be submitted concurrently with
1 34 the return required under subsection 7.
1 35 Sec. 4. Section 455B.310, subsection 5, Code 2009, is

Senate Study Bill 1116 continued

2 1 amended to read as follows:
2 2 5. Solid waste disposal facilities with special provisions
2 3 which limit the site to disposal of ~~construction and~~
~~2 4 demolition waste, landscape waste, coal combustion waste,~~
~~2 5 cement kiln dust, foundry sand, and solid waste materials~~
~~2 6 approved by the department for lining or capping, or for~~
~~2 7 construction berms, dikes, or roads in a sanitary disposal~~
~~2 8 project or sanitary landfill~~ industrial solid waste are exempt
2 9 from the tonnage fees imposed under this section. However,
2 10 solid waste disposal facilities under this subsection are
2 11 subject to the fees imposed pursuant to section 455B.105,
2 12 subsection 11, paragraph "a". Notwithstanding the provisions
2 13 of section 455B.105, subsection 11, paragraph "b", the fees
2 14 collected pursuant to this subsection shall be deposited in
2 15 the solid waste account as established in section 455E.11,
2 16 subsection 2, paragraph "a", to be used by the department for
2 17 the regulation of these solid waste disposal facilities.
2 18 Solid waste materials approved by the department for lining or
2 19 capping, or for construction of berms, dikes, or roads in a
2 20 sanitary disposal project or sanitary landfill are also exempt
2 21 from the tonnage fees imposed under this section.
2 22 EXPLANATION
2 23 This bill relates to solid waste tonnage fees.
2 24 The bill creates a definition of the term "industrial solid
2 25 waste" that is the same as the federal definition of the term.
2 26 Currently, solid waste disposal facilities with special
2 27 provisions which limit the site to disposal of construction
2 28 and demolition waste, landscape waste, coal combustion waste,
2 29 cement kiln dust, foundry sand, and solid waste materials
2 30 approved by the department for lining or capping, or for
2 31 construction berms, dikes, or roads in a sanitary disposal
2 32 project or sanitary landfill are exempt from paying tonnage
2 33 fees. The bill strikes this language and allows the exemption
2 34 for solid waste disposal facilities which limit the site to
2 35 the disposal of industrial solid waste. However, the bill

Senate Study Bill 1116 continued

3 1 also provides that solid waste materials approved by the
3 2 department for lining or capping, or for construction of
3 3 berms, dikes, or roads in a sanitary disposal project are also
3 4 exempt from the tonnage fees.
3 5 Currently, only sanitary landfill operators are required to
3 6 pay a tonnage fee to the department of natural resources for
3 7 each ton of solid waste disposed of at the sanitary landfill.
3 8 The bill requires an operator of a transfer station to pay a
3 9 tonnage fee for each ton of solid waste received at the
3 10 transfer station that is ultimately disposed of at a sanitary
3 11 landfill not required to pay a tonnage fee. The bill
3 12 prohibits the tonnage fee from being applied to the same solid
3 13 waste more than once.
3 14 A transfer station failing or refusing to pay the fees
3 15 provided in the bill or file the return required by the bill
3 16 are assessed a penalty of 2 percent of the fee due for each
3 17 month the fee or return is overdue.
3 18 LSB 1260DP 83
3 19 tm/nh/8.1

Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 27, 2009

Senate Study Bill 1117

SENATE/HOUSE FILE
BY (PROPOSED IOWA FINANCE
AUTHORITY BILL)

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

A BILL FOR

An Act relating to the administration of the Iowa water pollution control works and drinking water facilities financing program.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1326XD 83
tm/nh/5

Senate Study Bill 1117 continued

PAG LIN

1 1 Section 1. Section 16.131, subsection 2, Code 2009, is
1 2 amended by striking the subsection.
1 3 Sec. 2. Section 16.131, subsection 3, Code 2009, is
1 4 amended to read as follows:
1 5 3. The authority may issue its bonds and notes for the
1 6 purpose of funding the ~~revolving loan~~ funds created under
1 7 section ~~455B.295~~ 16.133A and ~~defraying~~ the ~~costs of payment of~~
~~1 8 the twenty percent~~ state matching funds required ~~for federal~~
~~1 9 funds received for projects~~ pursuant to the Clean Water Act
1 10 and the Safe Drinking Water Act.
1 11 Sec. 3. Section 16.131, subsection 4, unnumbered paragraph
1 12 1, Code 2009, is amended to read as follows:
1 13 The authority may issue its bonds and notes for the
1 14 purposes established and may enter into one or more ~~lending~~
1 15 loan agreements or purchase agreements with one or more
1 16 bondholders or noteholders containing the terms and conditions
1 17 of the repayment of and the security for the bonds or notes.
1 18 The authority and the bondholders or noteholders or a trustee
1 19 agent designated by the authority may enter into agreements to
1 20 provide for any of the following:
1 21 Sec. 4. Section 16.131, Code 2009, is amended by adding
1 22 the following new subsections:
1 23 NEW SUBSECTION. 7. The authority shall determine the
1 24 interest rate and repayment terms for loans made under the
1 25 program, in cooperation with the department, and the authority
1 26 shall enter into loan agreements with eligible entities in
1 27 compliance with and subject to the terms and conditions of the
1 28 Clean Water Act, the Safe Drinking Water Act, and any other
1 29 applicable federal law.
1 30 NEW SUBSECTION. 8. The authority shall process, review,
1 31 and approve or deny loan applications pursuant to eligibility
1 32 requirements established by rule of the authority and in
1 33 accordance with the intended use plan applications approved by
1 34 the department.
1 35 NEW SUBSECTION. 9. The authority may charge loan

Senate Study Bill 1117 continued

2 1 recipients fees and assess costs against such recipients
2 2 necessary for the continued operation of the program. Fees
2 3 and costs collected pursuant to this subsection shall be
2 4 deposited in the appropriate fund or funds described in
2 5 section 16.133A.
2 6 Sec. 5. NEW SECTION. 16.131A DEFINITIONS.
2 7 As used in sections 16.131 through 16.134, unless the
2 8 context otherwise requires:
2 9 1. "Clean Water Act" means the federal Water Pollution
2 10 Control Act of 1972, Pub. L. No. 92=500, as amended by the
2 11 Water Quality Act of 1987, Pub. L. No. 100=4, as published in
2 12 33 U.S.C. } 1251=1376, as amended.
2 13 2. "Commission" means the environmental protection
2 14 commission created under section 455A.6.
2 15 3. "Cost" means all costs, charges, expenses, or other
2 16 indebtedness incurred by a loan recipient and determined by
2 17 the department as reasonable and necessary for carrying out
2 18 all works and undertakings necessary or incidental to the
2 19 accomplishment of any project.
2 20 4. "Department" means the department of natural resources
2 21 created in section 455A.2.
2 22 5. "Eligible entity" means a person eligible under the
2 23 provisions of the Clean Water Act, the Safe Drinking Water
2 24 Act, and the commission rules to receive loans for projects
2 25 from any of the revolving loan funds.
2 26 6. "Loan recipient" means an eligible entity that has
2 27 received a loan under the program.
2 28 7. "Municipality" means a city, county, sanitary district,
2 29 state agency, or other governmental body or corporation
2 30 empowered to provide sewage collection and treatment services
2 31 or drinking water, or any combination of two or more of the
2 32 governmental bodies or corporations acting jointly, in
2 33 connection with a project.
2 34 8. "Program" means the Iowa water pollution control works
2 35 and drinking water facilities financing program created

Senate Study Bill 1117 continued

3 1 pursuant to section 455B.294.
3 2 9. "Project" means one of the following:
3 3 a. In the context of water pollution control facilities,
3 4 the acquisition, construction, reconstruction, extension,
3 5 equipping, improvement, or rehabilitation of any works and
3 6 facilities useful for the collection, treatment, and disposal
3 7 of sewage and industrial waste in a sanitary manner including
3 8 treatment works as defined in section 212 of the Clean Water
3 9 Act, or the implementation and development of management
3 10 programs established under sections 319 and 320 of the Clean
3 11 Water Act, including construction and undertaking of nonpoint
3 12 source water pollution control projects and related
3 13 development activities authorized under those sections.
3 14 b. In the context of drinking water facilities, the
3 15 acquisition, construction, reconstruction, extending,
3 16 remodeling, improving, repairing, or equipping of waterworks,
3 17 water mains, extensions, or treatment facilities useful for
3 18 providing potable water to residents served by a water system,
3 19 including the acquisition of real property needed for any of
3 20 the foregoing purposes, and such other purposes and programs
3 21 as may be authorized under the Safe Drinking Water Act.
3 22 10. "Revolving loan funds" means the funds of the program
3 23 established under sections 16.133A and 455B.295.
3 24 11. "Safe Drinking Water Act" means Title XIV of the
3 25 federal Public Health Service Act, commonly known as the "Safe
3 26 Drinking Water Act", 42 U.S.C. } 300f et seq., as amended by
3 27 the Safe Drinking Water Amendments of 1996, Pub. L. No.
3 28 104=182, as amended.
3 29 12. "Water system" means any community water system or
3 30 nonprofit noncommunity water system, each as defined in the
3 31 Safe Drinking Water Act, that is eligible under the rules of
3 32 the department to receive a loan under the program for the
3 33 purposes of undertaking a project.
3 34 Sec. 6. Section 16.132, subsection 1, paragraph d, Code
3 35 2009, is amended to read as follows:

Senate Study Bill 1117 continued

4 1 d. The amounts payable to the ~~department~~ authority by
4 2 eligible entities pursuant to loan agreements with eligible
4 3 entities.
4 4 Sec. 7. Section 16.132, subsection 5, Code 2009, is
4 5 amended to read as follows:
4 6 5. The bonds or notes issued by the authority are not an
4 7 indebtedness or other liability of the state or of a political
4 8 subdivision of the state within the meaning of any
4 9 constitutional or statutory debt limitations but are special
4 10 obligations of the authority, and are payable solely from the
4 11 income and receipts or other funds or property of the
4 12 ~~department~~ authority, and the amounts on deposit in the
4 13 revolving loan funds, and the amounts payable to the
4 14 ~~department~~ authority under its loan agreements with eligible
4 15 entities ~~as defined in section 455B.291~~ to the extent that the
4 16 amounts are designated in the resolution, trust agreement, or
4 17 other instrument of the authority authorizing the issuance of
4 18 the bonds or notes as being available as security for such
4 19 bonds or notes. The authority shall not pledge the faith or
4 20 credit of the state or of a political subdivision of the state
4 21 to the payment of any bonds or notes. The issuance of any
4 22 bonds or notes by the authority does not directly, indirectly,
4 23 or contingently obligate the state or a political subdivision
4 24 of the state to apply money from, or levy or pledge any form
4 25 of taxation whatever to the payment of the bonds or notes.
4 26 Sec. 8. NEW SECTION. 16.133A FUNDS AND ACCOUNTS ==
4 27 PROGRAM FUNDS AND ACCOUNTS NOT PART OF STATE GENERAL FUND.
4 28 1. The authority may establish and maintain funds and
4 29 accounts determined to be necessary to carry out the purposes
4 30 of the program and shall provide for the funding,
4 31 administration, investment, restrictions, and disposition of
4 32 the funds and accounts. The department and the authority may
4 33 combine administration of the revolving loan funds and cross
4 34 collateralize the same to the extent permitted by the Clean
4 35 Water Act, the Safe Drinking Water Act, and other applicable

Senate Study Bill 1117 continued

5 1 federal law. Moneys appropriated to and used by the authority
5 2 and department for purposes of paying the costs and expenses
5 3 associated with the administration of the program shall be
5 4 administered as determined by the authority and department.
5 5 2. The funds or accounts held by the authority, or a
5 6 trustee acting on behalf of the authority pursuant to a trust
5 7 agreement related to the program, shall not be considered part
5 8 of the general fund of the state, are not subject to
5 9 appropriation for any other purpose by the general assembly,
5 10 and in determining a general fund balance shall not be
5 11 included in the general fund of the state, but shall remain in
5 12 the funds and accounts maintained by the authority or trustee
5 13 pursuant to a trust agreement. Funds and accounts held by the
5 14 authority, or a trustee acting on behalf of the authority
5 15 pursuant to a trust agreement related to the program, are
5 16 separate dedicated funds and accounts under the administration
5 17 and control of the authority and subject to section 16.31.
5 18 Sec. 9. Section 16.134, subsections 1 and 2, Code 2009,
5 19 are amended to read as follows:
5 20 1. The Iowa finance authority shall establish and
5 21 administer a wastewater treatment financial assistance
5 22 program. The purpose of the program shall be to provide
5 23 grants to enhance water quality and to assist communities to
5 24 comply with water quality standards adopted by the department
5 25 of natural resources. The program shall be administered in
5 26 accordance with rules adopted by the authority pursuant to
5 27 chapter 17A. For purposes of this section, "program" means
5 28 the wastewater treatment financial assistance program.
5 29 2. A wastewater treatment financial assistance fund is
5 30 created ~~under the authority of the Iowa finance authority.~~
5 31 ~~The fund~~ and shall consist of appropriations made to the fund
5 32 and transfers of interest, earnings, and moneys from other
5 33 funds as provided by law. Moneys in the fund are not subject
5 34 to section 8.33. Notwithstanding section 12C.7, subsection 2,
5 35 interest or earnings on moneys in the fund shall be credited

Senate Study Bill 1117 continued

6 1 to the fund.
6 2 Sec. 10. Section 16.134, subsection 4, paragraph a, Code
6 3 2009, is amended to read as follows:
6 4 a. Communities shall be eligible for financial assistance
6 5 by qualifying as a disadvantaged community and seeking
6 6 financial assistance for the installation or upgrade of
6 7 wastewater treatment facilities due to regulatory activity in
6 8 response to water quality standards adopted by the department
6 9 of natural resources in calendar year 2006. For purposes of
6 10 this section, the term "disadvantaged community" means the
6 11 same as defined by the department ~~of natural resources for the~~
~~6 12 drinking water facilities revolving loan fund established in~~
~~6 13 section 455B.295~~. Communities with a population of three
6 14 thousand or more do not qualify for financial assistance under
6 15 the program.
6 16 Sec. 11. Section 455B.291, Code 2009, is amended to read
6 17 as follows:
6 18 455B.291 DEFINITIONS.
6 19 As used in this part, unless the context requires
6 20 otherwise:
6 21 1. "Administration funds" means ~~the water pollution~~
~~6 22 control works administration fund and the drinking water~~
~~6 23 facilities administration fund~~ funds established pursuant to
6 24 this part for the costs and expenses associated with
6 25 administering the program under this part and section 16.133A.
6 26 2. "Authority" means the Iowa finance authority
6 27 established in section 16.2.
6 28 3. "Clean Water Act" means the federal Water Pollution
6 29 Control Act of 1972, Pub. L. No. 92=500, as amended by the
6 30 Water Quality Act of 1987, Pub. L. No. 100=4, as published in
6 31 33 U.S.C. } 1251==1376, as amended.
6 32 4. "Cost" means all costs, charges, expenses, or other
6 33 indebtedness incurred by a loan recipient and determined by
6 34 the ~~director~~ department as reasonable and necessary for
6 35 carrying out all works and undertakings necessary or

Senate Study Bill 1117 continued

7 1 incidental to the accomplishment of any project.
7 2 ~~5. "Drinking water facilities administration fund" means~~
~~7 3 the drinking water facilities administration fund established~~
~~7 4 in section 455B.295.~~
7 5 ~~6. "Drinking water facilities revolving loan fund" means~~
~~7 6 the drinking water facilities revolving loan fund established~~
~~7 7 in section 455B.295.~~
7 8 ~~7.~~ 5. "Eligible entity" means a person eligible under the
7 9 provisions of the Clean Water Act, the Safe Drinking Water
7 10 Act, and the commission rules to receive loans for projects
7 11 from ~~either~~ any of the revolving loan funds.
7 12 ~~8.~~ 6. "Loan recipient" means an eligible entity that has
7 13 received a loan from ~~either~~ any of the revolving loan funds.
7 14 ~~9.~~ 7. "Municipality" means a city, county, sanitary
7 15 district, state agency, or other governmental body or
7 16 corporation empowered to provide sewage collection and
7 17 treatment services, or any combination of two or more of the
7 18 governmental bodies or corporations acting jointly, in
7 19 connection with a project.
7 20 ~~10.~~ 8. "Program" means the Iowa water pollution control
7 21 works and drinking water facilities financing program created
7 22 pursuant to section 455B.294.
7 23 ~~11.~~ 9. "Project" means one of the following:
7 24 a. In the context of water pollution control facilities,
7 25 the acquisition, construction, reconstruction, extension,
7 26 equipping, improvement, or rehabilitation of any works and
7 27 facilities useful for the collection, treatment, and disposal
7 28 of sewage and industrial waste in a sanitary manner including
7 29 treatment works as defined in section 212 of the Clean Water
7 30 Act, or the implementation and development of management
7 31 programs established under sections 319 and 320 of the Clean
7 32 Water Act, including construction and undertaking of nonpoint
7 33 source water pollution control projects and related
7 34 development activities authorized under those sections.
7 35 b. In the context of drinking water facilities, the

Senate Study Bill 1117 continued

8 1 acquisition, construction, reconstruction, extending,
8 2 remodeling, improving, repairing, or equipping of waterworks,
8 3 water mains, extensions, or treatment facilities useful for
8 4 providing potable water to residents served by a water system,
8 5 including the acquisition of real property needed for any of
8 6 the foregoing purposes, and such other purposes and programs
8 7 as may be authorized under the Safe Drinking Water Act.
8 8 ~~12.~~ 10. "Revolving loan funds" means the ~~water pollution~~
~~8 9 control works revolving loan fund and the drinking water~~
~~8 10 facilities revolving loan fund~~ funds of the program
8 11 established under sections 16.133A and 455B.295.
8 12 ~~13.~~ 11. "Safe Drinking Water Act" means Title XIV of the
8 13 federal Public Health Service Act, commonly known as the "Safe
8 14 Drinking Water Act", 42 U.S.C. } 300f et seq., as amended by
8 15 the Safe Drinking Water Amendments of 1996, Pub. L. No.
8 16 104=182, as amended.
8 17 ~~14. "Water pollution control works administration fund"~~
~~8 18 means the water pollution control works administration fund~~
~~8 19 established in section 455B.295.~~
8 20 ~~15. "Water pollution control works revolving loan fund"~~
~~8 21 means the water pollution control works revolving loan fund~~
~~8 22 established in section 455B.295.~~
8 23 ~~16.~~ 12. "Water system" means any community water system
8 24 or nonprofit noncommunity water system, each as defined in the
8 25 Safe Drinking Water Act, that is eligible under the rules of
8 26 the department to receive a loan under the program for the
8 27 purposes of undertaking a project.
8 28 Sec. 12. Section 455B.295, subsections 1, 2, and 3, Code
8 29 2009, are amended by striking the subsections.
8 30 Sec. 13. Section 455B.295, subsection 4, Code 2009, is
8 31 amended to read as follows:
8 32 ~~4.~~ 1. The department ~~and the authority~~ may establish and
8 33 maintain ~~other~~ funds or accounts determined to be necessary to
8 34 carry out the purposes of this part and shall provide for the
8 35 funding, administration, investment, restrictions, and

Senate Study Bill 1117 continued

9 1 disposition of the funds and accounts. The department and the
9 2 authority may combine administration of the revolving loan
9 3 funds, and cross collateralize the same~~, and the~~
9 4 ~~administration funds~~ to the extent permitted by the Clean
9 5 Water Act, the Safe Drinking Water Act, and other applicable
9 6 federal law. Moneys appropriated to the department and the
9 7 authority for purposes of paying the costs and expenses
9 8 associated with the administration of the program shall be
9 9 administered as determined by the department and the
9 10 authority.
9 11 Sec. 14. Section 455B.295, Code 2009, is amended by adding
9 12 the following new subsection:
9 13 NEW SUBSECTION. 2. The funds or accounts held by the
9 14 department, or a trustee acting on behalf of the department
9 15 pursuant to a trust agreement related to the program, shall
9 16 not be considered part of the general fund of the state, are
9 17 not subject to appropriation for any other purpose by the
9 18 general assembly, and in determining a general fund balance
9 19 shall not be included in the general fund of the state, but
9 20 shall remain in the funds and accounts maintained by the
9 21 department or trustee pursuant to a trust agreement. Funds
9 22 and accounts held by the department, or a trustee acting on
9 23 behalf of the department pursuant to a trust agreement related
9 24 to the program, are separate dedicated funds and accounts
9 25 under the administration and control of the department.
9 26 Sec. 15. Section 455B.296, subsections 2 and 3, Code 2009,
9 27 are amended to read as follows:
9 28 2. The department and the authority shall establish fiscal
9 29 controls and accounting procedures during appropriate
9 30 accounting periods for payments received for deposit in and
9 31 disbursements ~~received and~~ made ~~by~~ from the revolving loan
9 32 funds~~,~~ and the administration funds~~, and other funds~~
9 33 ~~established pursuant to section 455B.295, subsection 4,~~ and to
9 34 fund balances at the beginning and end of the accounting
9 35 periods.

Senate Study Bill 1117 continued

10 1 3. Upon receipt of the joint recommendation of the
10 2 department and the authority with respect to the amounts to be
10 3 so reserved and transferred, and subject in all respects to
10 4 the applicable provisions of the Clean Water Act, Safe
10 5 Drinking Water Act, and other applicable federal law, the
10 6 governor may direct that the recommended portion of a
10 7 capitalization grant made in respect of one of the revolving
10 8 loan funds in any year be reserved for the transfer to ~~the~~
~~10 9 other~~ another revolving loan fund. The authority and the
10 10 department may effect the transfer of any funds reserved for
10 11 such purpose, as directed by the governor, and shall cause the
10 12 records of the program to reflect the transfer. Any sums so
10 13 transferred shall be expended in accordance with the intended
10 14 use plan for the applicable revolving loan fund.
10 15 Sec. 16. Section 455B.297, Code 2009, is amended to read
10 16 as follows:
10 17 455B.297 LOANS TO ELIGIBLE ENTITIES.
10 18 Moneys deposited in the revolving loan funds shall be used
10 19 for the primary purpose of making loans to eligible entities
10 20 to finance the ~~cost~~ eligible costs of projects in accordance
10 21 with the intended use plans developed by the department under
10 22 section 455B.296. The loan recipients and the purpose~~,~~ and
10 23 amount~~, interest rate, and repayment terms~~ of the loans shall
10 24 be determined by the director, in accordance with rules
10 25 adopted by the commission, in compliance with and subject to
10 26 the terms and conditions of the Clean Water Act, the Safe
10 27 Drinking Water Act, and other applicable federal law, as
10 28 applicable, and any resolution, agreement, indenture, or other
10 29 document of the authority, and rules adopted by the authority,
10 30 relating to any bonds, notes, or other obligations issued for
10 31 the program which may be applicable to the loan.
10 32 Sec. 17. Section 455B.298, Code 2009, is amended to read
10 33 as follows:
10 34 455B.298 POWERS AND DUTIES OF THE DIRECTOR.
10 35 The director shall:

Senate Study Bill 1117 continued

11 1 1. Process, ~~and~~ review ~~loan~~, and approve or deny intended
11 2 use plan applications to determine if an application meets the
11 3 eligibility requirements set by the rules of the department.
11 4 ~~2. Approve loan applications of eligible entities which~~
~~11 5 satisfy the rules adopted by the commission, and the intended~~
~~11 6 use plans developed by the department under section 455B.296.~~
11 7 ~~3.~~ 2. Process and review all documents relating to
11 8 ~~projects and the extending of loans~~ the planning, design,
11 9 construction, and operation of water pollution control works
11 10 and drinking water facilities pursuant to this part.
11 11 ~~4.~~ 3. Prepare and process, in coordination with the
11 12 authority, documents relating to ~~the extending of loans, the~~
~~11 13 sale and issuance of bonds, notes, or other obligations of the~~
~~11 14 authority relating to the program, and~~ the administration of
11 15 the program.
11 16 ~~5.~~ 4. Include in the budget prepared pursuant to section
11 17 455A.4, subsection 1, paragraph "c", an annual budget for the
11 18 administration of the program and the use and disposition of
11 19 amounts on deposit in the administration funds.
11 20 ~~6. Charge each loan recipient a loan origination fee and~~
~~11 21 an annual loan servicing fee. The amount of the loan~~
~~11 22 origination fees and the loan servicing fees established shall~~
~~11 23 be relative to the amount of a loan made from the revolving~~
~~11 24 loan fund. The director shall deposit the receipts from the~~
~~11 25 loan origination fees and the loan servicing fees in the~~
~~11 26 appropriate administration fund.~~
11 27 ~~7. Consult with and receive the approval of the authority~~
~~11 28 concerning the terms and conditions of loan agreements as to~~
~~11 29 the financial integrity of the loan.~~
11 30 5. Receive fees pursuant to the program as determined in
11 31 conjunction with the authority.
11 32 ~~8.~~ 6. Perform other acts and assume other duties and
11 33 responsibilities necessary for the operation of the program
11 34 and for the carrying out of the Clean Water Act and the Safe
11 35 Drinking Water Act.

Senate Study Bill 1117 continued

EXPLANATION

This bill relates to the administration of the Iowa water pollution control works and drinking water facilities financing program.

The Iowa water pollution control works and drinking water facilities financing program is jointly administered by the Iowa finance authority and the department of natural resources. The bill modifies the allocation of duties and responsibilities of the authority and department under the program. The bill adds provisions in Code chapter 16 that are currently only in Code chapter 455B relating to definitions and establishment and maintenance of funds and accounts under the program.

In dividing the duties under the program, the bill provides that the department shall process, review, and approve or deny intended use plan applications; process and review all documents relating to the planning, design, construction, and operation of water facilities; prepare and process, in coordination with the authority, documents relating to the administration of the program; include in the department's annual budget a budget for the administration of the program and the use and disposition of amounts on deposit in the administration of the funds; receive fees under the program; and perform other acts and assume other duties and responsibilities necessary for the operation of the program. The bill provides that the authority shall cooperate with the department in administering and financing the program; may issue bonds and notes for the purposes of funding funds under the program; may enter into lending agreements or purchase agreements with bondholders or noteholders; shall determine the interest rate and repayment terms of the loans under the program and enter into loan agreements with eligible entities; shall process, review, and approve or deny loan applications under the program; and may charge fees and costs necessary for the continued operation of the program.

Senate Study Bill 1117 continued

The bill eliminates specific references to funds under the program and provides general provisions relating to the creation of funds and accounts under the program. The bill provides that funds or accounts held by the department or the authority, or a trustee acting on behalf of the department or authority, shall not be considered part of the general fund of the state, are not subject to appropriation for any other purpose by the general assembly, and in determining a general fund balance shall not be included in the general fund of the state, but shall remain in the funds and accounts maintained by the department or authority or trustee pursuant to a trust agreement. The bill provides that funds and accounts held by the department or authority, or a trustee acting on behalf of the department authority, are separate dedicated funds and accounts under the administration and control of the department or authority.

The bill provides that moneys appropriated to the department and the authority for purposes of paying the administration costs and expenses shall be administered as determined by the department and the authority.

The bill makes conforming amendments.

LSB 1326XD 83
tm/nh/5