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House File 2215

H-8004

1 Amend House File 2215 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. Section 704.1, Code 2011, is amended to
5 read as follows:
6 **704.1 Reasonable force.**
7 "*Reasonable force*" is that force and no more which
8 a reasonable person, in like circumstances, would
9 judge to be necessary to prevent an injury or loss
10 and can include deadly force if it is reasonable to
11 believe that such force is necessary to avoid injury
12 or risk to one's life or safety or the life or safety
13 of another, or it is reasonable to believe that such
14 force is necessary to resist a like force or threat.
15 Reasonable force, including deadly force, may be used
16 even if an alternative course of action is available if
17 the alternative entails a risk to life or safety, or
18 the life or safety of a third party, ~~or requires one~~
19 ~~to abandon or retreat from one's dwelling or place of~~
20 ~~business or employment.~~ Reasonable force, including
21 deadly force, may also be used and is presumed to be
22 justified even if an alternative course of action is
23 available if the alternative requires one to abandon
24 or retreat from one's dwelling or place of business or
25 employment.>
26 2. Title page, lines 1 and 2, by striking <and
27 providing a remedy>

R. OLSON of Polk



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House File 2212 - Introduced

HOUSE FILE 2212
BY ISENHART and KAUFMANN

A BILL FOR

- 1 An Act providing for a product stewardship report by the
- 2 department of natural resources.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5295YH (3) 84
da/nh



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1 Section 1. NEW SECTION. 455B.810 Product stewardship —
2 report.

3 1. By January 15 of each year, the department shall submit a
4 product stewardship report to the general assembly. The report
5 shall supply information identifying solid waste according
6 to product or product category. The report shall consider
7 latex paint, oil-based paint, aseptic packaging, waste tires,
8 florescent bulbs, and food waste. The report shall not include
9 consideration of motor vehicles or watercraft.

10 2. The department shall use the report described in
11 subsection 1 to recommend a strategy that most efficiently
12 manages solid waste as classified according to product
13 or product category. The strategy shall at least include
14 recommendations for all of the following:

15 a. Disposing of hazardous chemicals, toxic materials, or
16 harmful physical agents that pose a risk of an adverse impact
17 to the environment or public health and safety.

18 b. Increasing the recovery of materials for reuse or
19 recycling.

20 c. Reducing costs associated with solid waste management.

21 3. In preparing its report, the department shall consider
22 how other states have classified solid waste according to
23 products and product categories and how other states have
24 successfully collected and managed solid waste, including
25 recovering and recycling efforts. When preparing the report,
26 the department shall consult with landfill operators and
27 businesses engaged in recycling solid waste. The department
28 shall also invite participation from interested members of the
29 public.

30 4. As part of its report, the department shall recommend the
31 establishment of a product stewardship program that implements
32 or improves upon the strategy developed by the department under
33 this section, including by detailing any legislative proposals
34 required for implementation or explaining the adoption of
35 proposed rules under existing statutory authority.

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da/nh

1/2



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1 EXPLANATION
2 This bill requires the department of natural resources to
3 prepare and submit a product stewardship report to the general
4 assembly each year. The report shall supply information
5 identifying solid waste according to product or product
6 category. The department must use the report to recommend
7 a strategy that most efficiently manages solid waste as
8 classified according to product or product category. The
9 department must recommend the establishment of a product
10 stewardship program that implements or improves upon the
11 strategy developed by the department, including legislative
12 proposals or the adoption of proposed rules.



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House File 2216 - Introduced

HOUSE FILE 2216
BY MURPHY

A BILL FOR

1 An Act modifying Iowa's human services and education systems
2 to ensure that children start school ready to learn and
3 to increase Iowa's student achievement rates, making
4 appropriations to the department of education and for
5 deposit in funds under the control of the department, and
6 including effective date and applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5193YH (17) 84
kh/rj



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1 only children from a single unrelated family is not required
 2 to obtain a certificate of registration under this section.
 3 The department shall issue a certificate of registration upon
 4 receipt of a statement from the person or upon completion of
 5 an inspection conducted by the department or a designee of the
 6 department verifying that the person complies with applicable
 7 rules adopted by the department pursuant to this section and
 8 section 237A.12.

9 Sec. 10. Section 237A.3B, Code 2011, is amended to read as
 10 follows:

11 **237A.3B Smoking prohibited.**

12 Smoking, as defined in section 142D.2, shall not be
 13 permitted in a child care facility ~~or child care home.~~

14 Sec. 11. Section 237A.5, subsection 2, paragraph a,
 15 subparagraph (1), subparagraph division (e), Code 2011, is
 16 amended to read as follows:

17 (e) The person will reside or resides ~~in a child care home~~
 18 that with a person who is not registered under this chapter but
 19 that receives public funding for providing child care.

20 Sec. 12. Section 237A.5, subsection 2, paragraph b, Code
 21 2011, is amended to read as follows:

22 b. If an individual person subject to a record check is
 23 being considered for employment by a child care facility ~~or~~
 24 ~~child care home provider,~~ in lieu of requesting a record
 25 check in this state to be conducted by the department under
 26 paragraph "c", the child care facility ~~or child care home~~ may
 27 access the single contact repository established pursuant to
 28 section 135C.33 as necessary to conduct a criminal and child
 29 abuse record check of the individual in this state. A copy of
 30 the results of the record check conducted through the single
 31 contact repository shall also be provided to the department.
 32 If the record check indicates the individual is a person
 33 subject to an evaluation, the child care facility ~~or child care~~
 34 ~~home~~ may request that the department perform an evaluation as
 35 provided in this subsection. Otherwise, the individual shall



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1 employment or residence in a child care facility ~~or child care~~
 2 ~~home~~, or for receipt of public funding for providing child
 3 care, a person subject to an evaluation has been convicted of
 4 a controlled substance offense under chapter 124 or has been
 5 found to have committed physical abuse, the person shall be
 6 prohibited from involvement with child care for a period of
 7 five years from the date of conviction or founded abuse. After
 8 the five-year prohibition period, the person may submit an
 9 application for registration or licensure under this chapter,
 10 or to receive public funding for providing child care or may
 11 request an evaluation, and the department shall perform an
 12 evaluation and, based upon the criteria in paragraph `g`, shall
 13 determine whether prohibition of the person's involvement with
 14 child care continues to be warranted.

15 Sec. 17. Section 237A.5, subsection 2, paragraph j, Code
 16 2011, is amended to read as follows:

17 *j.* If it has been determined that a child receiving child
 18 care from a child care facility or ~~a child care home~~ from a
 19 person who receives public funding for providing child care
 20 or an individual residing with that person, is the victim
 21 of founded child abuse committed by an employee, license or
 22 registration holder, ~~child care home provider~~, or resident of
 23 the child care facility ~~or child care home~~ for which a report
 24 is placed in the central registry pursuant to section 232.71D,
 25 the administrator shall provide notification at the time of
 26 the determination to the parents, guardians, and custodians of
 27 children receiving care from the child care facility or ~~child~~
 28 ~~care home~~ person who receives public funding for providing
 29 child care. A notification made under this paragraph shall
 30 identify the type of abuse but shall not identify the victim or
 31 perpetrator or circumstances of the founded abuse.

32 Sec. 18. Section 237A.12, subsection 1, paragraph c, Code
 33 Supplement 2011, is amended to read as follows:

34 *c.* The adequacy of activity programs and food services
 35 available to the children. The department shall not restrict



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1 the use of or apply nutritional standards to a lunch or other
2 meal which is brought to the ~~center, child development home, or~~
3 child care ~~home~~ facility by a school-age child for the child's
4 consumption.

5 Sec. 19. Section 237A.13, subsection 2, Code 2011, is
6 amended to read as follows:

7 2. Services under the program may be provided ~~in~~ by a
8 licensed child care center, a child development home, the home
9 of a relative, the child's own home by a relative or by a
10 provider who is licensed under this chapter, a child care home,
11 or in a facility exempt from licensing or registration under
12 the definition of child care in section 237A.1.

13 Sec. 20. Section 237A.19, subsection 2, Code 2011, is
14 amended to read as follows:

15 2. ~~If registration is required under section 237A.3A, a~~ A
16 person who establishes, conducts, manages, or operates a child
17 development home without registering or a person who operates a
18 child development home contrary to section 237A.5, or a person
19 who has been prohibited by the department from involvement
20 with child care but continues that involvement, commits a
21 simple misdemeanor. Each day of continuing violation after
22 conviction, or notice from the department by certified mail of
23 the violation, is a separate offense. A single charge alleging
24 continuing violation may be made in lieu of filing charges for
25 each day of violation.

26 Sec. 21. Section 237A.19, subsection 3, Code 2011, is
27 amended to read as follows:

28 3. A person who ~~establishes, conducts, manages, or operates~~
29 ~~a child care home in violation of section 237A.3, subsection~~
30 ~~2, or a person or program that has been prohibited by the~~
31 department from involvement with child care but continues
32 that involvement commits a simple misdemeanor. Each day of
33 continuing violation after conviction, or notice from the
34 department by certified mail of the violation, is a separate
35 offense. A single charge alleging continuing violation may be



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1 made in lieu of filing charges for each day of violation.

2 Sec. 22. Section 237A.26, subsection 3, paragraph a, Code
3 Supplement 2011, is amended to read as follows:

4 a. Organize assistance to ~~child care homes and~~ child care
5 facilities utilizing training levels based upon the child care
6 providers' degrees of experience and interest.

7 Sec. 23. Section 237A.26, subsection 6, paragraph a, Code
8 Supplement 2011, is amended to read as follows:

9 a. Assist families in selecting quality child care. The
10 agency must provide referrals to registered and licensed child
11 care facilities, and to persons providing care, supervision,
12 and guidance of a child which is not defined as child care
13 under section 237A.1 ~~and may provide referrals to unregistered~~
14 ~~providers.~~

15 Sec. 24. Section 237A.26, subsection 8, Code Supplement
16 2011, is amended to read as follows:

17 8. For purposes of improving the quality and consistency
18 of data collection, consultation, and other support to ~~child~~
19 ~~care home and~~ child development home providers, a resource and
20 referral services agency grantee shall coordinate and assist
21 with publicly and privately funded efforts administered at
22 the community level to provide the support. The support and
23 efforts addressed by a grantee may include but are not limited
24 to community-funded ~~child care home and~~ child development home
25 consultants. Community members involved with the assistance
26 may include but are not limited to the efforts of an early
27 childhood Iowa area board under chapter 256I, and of community
28 representatives of education, health, human services, business,
29 faith, and public interests.

30 Sec. 25. REPEAL. Section 237A.3, Code 2011, is repealed.

DIVISION II

SCHOOL AID PROVISIONS

33 Sec. 26. Section 257.2, subsection 1, Code 2011, is amended
34 to read as follows:

35 1. *"Allowable growth"* means the amount by which state cost



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1 management under this subsection for the base year.

2 c. The area education agency professional development
3 supplement state cost per pupil for the budget year beginning
4 July 1, 2012, shall be the amount calculated by the department
5 of management under this subsection for the base year, plus
6 three dollars, plus an allowable growth amount that is equal
7 to the professional development supplement categorical state
8 percent of growth, pursuant to section 257.8, subsection 2, for
9 the budget year, multiplied by the amount calculated by the
10 department of management under this subsection for the base
11 year.

12 d. The area education agency professional development
13 supplement state cost per pupil for the budget year beginning
14 July 1, 2013, and succeeding budget years, shall be the
15 amount calculated by the department of management under this
16 subsection for the base year plus an allowable growth amount
17 that is equal to the professional development supplement
18 categorical state percent of growth, pursuant to section
19 257.8, subsection 2, for the budget year, multiplied by the
20 amount calculated by the department of management under this
21 subsection for the base year.

22 Sec. 29. Section 257.10, subsection 10, paragraph a, Code
23 2011, is amended to read as follows:

24 a. (1) For the budget year beginning July 1, 2009,
25 the department of management shall divide the professional
26 development allocation made to each district for the fiscal
27 year beginning July 1, 2008, pursuant to section 284.13,
28 subsection 1, paragraph "d", Code 2009, by the district's
29 budget enrollment in the fiscal year beginning July 1, 2009,
30 to determine the professional development supplement cost per
31 pupil.

32 (2) For the budget year beginning July 1, 2010, and
33 succeeding budget years beginning before July 1, 2012, the
34 professional development supplement district cost per pupil
35 for each school district for a budget year is the professional



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1 development supplement district cost per pupil for the base
 2 year plus the professional development supplement state
 3 allowable growth amount for the budget year.

4 (3) For the budget year beginning July 1, 2012, the
 5 professional development supplement district cost per pupil
 6 for each school district for a budget year is the professional
 7 development supplement district cost per pupil for the base
 8 year plus the professional development supplement state
 9 allowable growth amount for the budget year, plus sixty
 10 dollars.

11 (4) For the budget year beginning July 1, 2013, and
 12 succeeding budget years, the professional development
 13 supplement district cost per pupil for each school district
 14 for a budget year is the professional development supplement
 15 district cost per pupil for the base year plus the professional
 16 development supplement state allowable growth amount for the
 17 budget year.

18 Sec. 30. Section 257.37A, subsection 2, paragraph a, Code
 19 2011, is amended to read as follows:

20 a. (1) For the budget year beginning July 1, 2009, the
 21 department of management shall divide the area education agency
 22 professional development supplement made to each area education
 23 agency for the fiscal year beginning July 1, 2008, pursuant
 24 to section 284.13, subsection 1, paragraph "d", Code 2009, by
 25 the special education support services weighted enrollment
 26 in the fiscal year beginning July 1, 2009, to determine the
 27 professional development supplement cost per pupil.

28 (2) For the budget year beginning July 1, 2010, and
 29 succeeding budget years beginning before July 1, 2012, the area
 30 education agency professional development supplement district
 31 cost per pupil for each area education agency for a budget
 32 year is the area education agency professional development
 33 supplement district cost per pupil for the base year plus the
 34 area education agency professional development supplement state
 35 allowable growth amount for the budget year.



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1 (3) For the budget year beginning July 1, 2012, the area
2 education agency professional development supplement district
3 cost per pupil for each area education agency for a budget
4 year is the area education agency professional development
5 supplement district cost per pupil for the base year plus the
6 area education agency professional development supplement
7 state allowable growth amount for the budget year, plus three
8 dollars.

9 (4) For the budget year beginning July 1, 2013, and
10 succeeding budget years, the area education agency professional
11 development supplement district cost per pupil for each area
12 education agency for a budget year is the area education agency
13 professional development supplement district cost per pupil
14 for the base year plus the area education agency professional
15 development supplement state allowable growth amount for the
16 budget year.

17 Sec. 31. Section 284.6, subsections 3 and 8, Code Supplement
18 2011, are amended to read as follows:

19 3. A school district shall incorporate a district
20 professional development plan into the district's comprehensive
21 school improvement plan submitted to the department in
22 accordance with section 256.7, subsection 21. The district
23 professional development plan shall include a description of
24 the means by which the school district will provide access
25 to all teachers in the district to professional development
26 programs or offerings that meet the requirements of subsection
27 1. The plan shall align all professional development with
28 the school district's long-range student learning goals and
29 the Iowa teaching standards. The plan shall indicate the
30 school district's approved professional development provider
31 or providers. The plan shall provide, for the fiscal year
32 beginning July 1, 2012, and each fiscal year thereafter, an
33 amount of time for professional development equivalent to the
34 amount of time the school district provided for professional
35 development for teachers for the 2011-2012 school year plus the



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1 equivalent of at least three additional contract days.
2 8. a. For each year in which a school district ~~receives~~
3 and area education agency receive funds calculated and
4 paid to school districts and area education agencies for
5 professional development pursuant to section 257.10, subsection
6 10, or section 257.37A, subsection 2, the school district
7 and area education agency shall create quality professional
8 development opportunities. The goal for the use of the funds
9 is to provide one additional contract day or the equivalent
10 thereof for professional development and use of the funds is
11 limited to providing professional development to teachers,
12 including additional salaries for time beyond the normal
13 negotiated agreement; pay for substitute teachers, professional
14 development materials, speakers, and professional development
15 content; and costs associated with implementing the individual
16 professional development plans. The use of the funds shall
17 be balanced between school district, attendance center,
18 and individual professional development plans, making every
19 reasonable effort to provide equal access to all teachers.
20 b. For the fiscal year beginning July 1, 2012, and each
21 succeeding fiscal year in which a school district and area
22 education agency receive funds calculated and paid to school
23 districts and area education agencies for professional
24 development pursuant to section 257.10, subsection 10,
25 or section 257.37A, subsection 2, the school district and
26 area education agency shall provide an amount of time for
27 professional development equivalent to the amount of time
28 the school district and area education agency provided for
29 professional development for teachers for the 2011-2012 school
30 year plus the equivalent of at least three additional contract
31 days.
32 Sec. 32. STATE MANDATE FUNDING SPECIFIED. In accordance
33 with section 25B.2, subsection 3, the state cost of requiring
34 compliance with any state mandate included in this division
35 of this Act shall be paid by a school district from state



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1 school foundation aid received by the school district under
2 section 257.16. This specification of the payment of the state
3 cost shall be deemed to meet all of the state funding-related
4 requirements of section 25B.2, subsection 3, and no additional
5 state funding shall be necessary for the full implementation of
6 this division of this Act by and enforcement of this division
7 of this Act against all affected school districts.

8 DIVISION III

9 GENERAL EDUCATION PROVISIONS

10 Sec. 33. Section 256C.5, subsection 1, paragraph c, Code
11 Supplement 2011, is amended to read as follows:

12 *c.* "Preschool budget enrollment" means the figure that
13 is equal to ~~fifty~~ sixty percent of the actual enrollment of
14 eligible students in the preschool programming provided by
15 a school district approved to participate in the preschool
16 program on October 1 of the base year, or the first Monday in
17 October if October 1 falls on a Saturday or Sunday.

18 Sec. 34. Section 257.31, subsection 5, unnumbered paragraph
19 1, Code Supplement 2011, is amended to read as follows:

20 If a district has unusual circumstances, creating an unusual
21 need for additional funds, including but not limited to the
22 circumstances enumerated in paragraphs "a" through ~~"n"~~ "o",
23 the committee may grant supplemental aid to the district from
24 any funds appropriated to the department of education for the
25 use of the school budget review committee for the purposes of
26 this subsection. The school budget review committee shall
27 review a school district's unexpended fund balance prior to
28 any decision regarding unusual finance circumstances. Such
29 aid shall be miscellaneous income and shall not be included in
30 district cost. In addition to or as an alternative to granting
31 supplemental aid the committee may establish a modified
32 allowable growth for the district by increasing its allowable
33 growth. The school budget review committee shall review a
34 school district's unspent balance prior to any decision to
35 increase modified allowable growth under this subsection.



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1 Sec. 35. Section 257.31, subsection 5, Code Supplement
2 2011, is amended by adding the following new paragraph:
3 **NEW PARAGRAPH.** o. Unusual need for additional funds for
4 returning dropout and dropout prevention programming pursuant
5 to section 257.41, subsection 1.

6 Sec. 36. Section 257.38, subsection 2, Code 2011, is amended
7 to read as follows:

8 2. Program plans shall identify the parts of the plan that
9 will be implemented first upon approval of the request. If
10 a district is requesting to use modified allowable growth to
11 finance the program, the school district shall not identify
12 more than ~~five~~ seven percent of its budget enrollment for the
13 budget year as returning dropouts and potential dropouts.

14 Sec. 37. Section 257.41, Code 2011, is amended to read as
15 follows:

16 **257.41 Funding for programs for returning dropouts and**
17 **dropout prevention.**

18 1. Budget. a. The budget of an approved program for
19 returning dropouts and dropout prevention for a school
20 district, after subtracting funds received from other sources
21 for that purpose, shall be funded annually on a basis of
22 one-fourth or more from the district cost of the school
23 district and up to three-fourths by an increase in allowable
24 growth as defined in section 257.8. Annually, the department
25 of management shall establish a modified allowable growth for
26 each such school district equal to the difference between the
27 approved budget for the program for returning dropouts and
28 dropout prevention for that district and the sum of the amount
29 funded from the district cost of the school district plus funds
30 received from other sources.

31 b. If the board of directors of a school district determines
32 that funding provided under paragraph "a" is insufficient to
33 meet the returning dropout and dropout prevention programming
34 needs of the school district, the board may submit a request
35 for additional modified allowable growth to the school budget



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1 d. Up to five percent of the total budgeted amount received
 2 pursuant to subsection 1, paragraph "a", may be used for
 3 purposes of providing district-wide or building-wide returning
 4 dropout and dropout prevention programming targeted to students
 5 who are not deemed at risk of dropping out.

6 Sec. 38. Section 260C.18A, subsection 2, Code Supplement
 7 2011, is amended by adding the following new paragraph:

8 NEW PARAGRAPH. j. Development and implementation of
 9 the national career readiness certificate and the skills
 10 certification system endorsed by the national association of
 11 manufacturers.

12 Sec. 39. Section 260H.2, Code Supplement 2011, is amended
 13 to read as follows:

14 **260H.2 Pathways for academic career and employment program**
 15 **— fund — appropriation.**

16 1. Program established. A pathways for academic career
 17 and employment program is established to provide funding
 18 to community colleges for the development of projects in
 19 coordination with the economic development authority, the
 20 department of education, Iowa workforce development, regional
 21 advisory boards established pursuant to section 84A.4, and
 22 community partners to implement a simplified, streamlined, and
 23 comprehensive process, along with customized support services,
 24 to enable eligible participants to acquire effective academic
 25 and employment training to secure gainful, quality, in-state
 26 employment.

27 2. Fund created. A pathways for academic career and
 28 employment fund is created in the state treasury under the
 29 control of the department of education consisting of moneys
 30 appropriated to the department for purposes of funding the
 31 cost of projects under the program established pursuant to
 32 subsection 1. Notwithstanding section 8.33, moneys in the fund
 33 at the end of a fiscal year shall not revert to the general
 34 fund of the state but shall be used for purposes of the fund.
 35 Notwithstanding section 12C.7, subsection 2, interest or

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1 earnings on moneys in the fund shall be credited to the fund.
 2 3. Fund appropriation. There is appropriated from the
 3 general fund of the state to the pathways for academic career
 4 and employment fund for the fiscal year beginning July 1, 2012,
 5 and each succeeding fiscal year, the sum of three million
 6 dollars for purposes of implementing the pathways for academic
 7 career and employment program in accordance with this section.

8 Sec. 40. NEW SECTION. 260I.12 Gap tuition assistance fund
 9 — appropriation.

10 1. A gap tuition assistance fund is created in the state
 11 treasury under the control of the department of education for
 12 purposes of the gap tuition assistance program established
 13 in section 260I.2. Notwithstanding section 8.33, moneys in
 14 the fund at the end of a fiscal year shall not revert to the
 15 general fund of the state but shall be used for purposes of the
 16 fund. Notwithstanding section 12C.7, subsection 2, interest or
 17 earnings on moneys in the fund shall be credited to the fund.

18 2. There is appropriated from the general fund of the
 19 state to the gap tuition assistance fund for the fiscal year
 20 beginning July 1, 2012, and each succeeding fiscal year, the
 21 sum of two million dollars for the purposes of implementing the
 22 gap tuition assistance program pursuant to this chapter.

23 Sec. 41. Section 272.9A, subsections 1 and 3, Code 2011, are
 24 amended to read as follows:

25 1. ~~Beginning July 1, 2007, requirements~~ Requirements for
 26 administrator licensure beyond an initial license shall include
 27 completion the following:

28 a. Completion of a beginning administrator mentoring and
 29 induction program and demonstration of competence on the
 30 administrator standards adopted pursuant to section 284A.3.

31 b. At least five years of successful classroom experience
 32 as a licensed teacher.

33 3. a. An administrator formerly employed by an accredited
 34 nonpublic school or formerly employed as an administrator in
 35 another state or country is exempt from the mentoring and



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1 induction requirement under subsection 1 if the administrator
2 can document two years of successful administrator experience,
3 at least five years of successful classroom experience as a
4 licensed teacher, and meet or exceed the requirements contained
5 in rules adopted pursuant to this chapter for endorsement and
6 licensure. ~~However, if~~

7 b. If an administrator cannot document two years of
8 ~~successful administrator experience~~ meet the requirements of
9 paragraph "a" when hired by a school district, the administrator
10 shall meet the requirements of subsection 1.

11 Sec. 42. Section 299.1A, Code 2011, is amended to read as
12 follows:

13 **299.1A Compulsory attendance age.**

14 A child who has reached the age of six and is under ~~sixteen~~
15 eighteen years of age by September 15 is of compulsory
16 attendance age. However, if a child enrolled in a school
17 district or accredited nonpublic school reaches the age of
18 ~~sixteen~~ eighteen on or after September 15, the child remains of
19 compulsory age until the end of the regular school calendar.

20 Sec. 43. Section 299.1B, Code 2011, is amended to read as
21 follows:

22 **299.1B Failure to attend — driver's license.**

23 A person who is of compulsory attendance age, is not exempt
24 under section 299.2, and does not attend a public school, an
25 accredited nonpublic school, competent private instruction in
26 accordance with the provisions of chapter 299A, an alternative
27 school, or adult education classes shall not receive an
28 intermediate or full driver's license until age eighteen.

29 Sec. 44. NEW SECTION. **299.14 School district dropout**
30 **prevention measures.**

31 1. The board of directors of each school district shall
32 take every opportunity to prevent students from dropping out of
33 school. Actions which a school district may take to prevent
34 students from dropping out of school include but are not
35 limited to general education interventions, alternative program



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1 placement, alternative school placement, provision of support
2 and supplemental services, individual and family intervention
3 or therapy, truancy mediation, and coordination with other
4 student support services.

5 2. The board of directors of each school district shall
6 make every effort to align and maximize funding streams that
7 may be used to support students who are at risk of dropping out
8 of school.

9 Sec. 45. Section 321.213B, Code 2011, is amended to read as
10 follows:

11 **321.213B Suspension for failure to attend.**

12 1. The department shall establish procedures by rule for
13 suspending the license of a juvenile who has been issued a
14 driver's license and is not in compliance with the requirements
15 of section 299.1B or issuing the juvenile a restricted license
16 under section 321.178.

17 2. Upon receipt of proof of high school graduation from
18 a person whose intermediate or full driver's license was
19 suspended or revoked pursuant to section 299.1B, the department
20 may reinstate the person's license. Notwithstanding section
21 321.191, subsection 8, the fee for reinstatement of a license
22 pursuant to this subsection shall be twenty-five dollars.

23 Sec. 46. Section 422.11S, subsection 7, paragraph a,
24 subparagraph (2), Code Supplement 2011, is amended to read as
25 follows:

26 (2) *“Total approved tax credits”* means for the tax year
27 beginning in the 2006 calendar year, two million five hundred
28 thousand dollars, for the tax year beginning in the 2007
29 calendar year, five million dollars, and for tax years
30 beginning on or after January 1, 2008, seven million five
31 hundred thousand dollars. ~~However, for tax years beginning on~~
32 ~~or after January 1, 2012, and only if legislation is enacted~~
33 ~~by the Eighty-fourth General Assembly, 2011 session, amending~~
34 ~~section 257.8, subsections 1 and 2, to establish both the state~~
35 ~~percent of growth and the categorical state percent of growth~~

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1 ~~for the budget year beginning July 1, 2012, at two percent,~~
 2 ~~"total approved tax credits"~~ means eight million seven hundred
 3 fifty thousand dollars, and for tax years beginning on or after
 4 January 1, 2014, ten million dollars.

5 Sec. 47. STATE MANDATE FUNDING SPECIFIED. In accordance
 6 with section 25B.2, subsection 3, the state cost of requiring
 7 compliance with any state mandate included in this division of
 8 this Act shall be paid by a school district from state school
 9 foundation aid received by the school district under section
 10 257.16 and moneys appropriated in this division of this Act.
 11 This specification of the payment of the state cost shall be
 12 deemed to meet all of the state funding-related requirements of
 13 section 25B.2, subsection 3, and no additional state funding
 14 shall be necessary for the full implementation of this division
 15 of this Act by and enforcement of this division of this Act
 16 against all affected school districts.

17 Sec. 48. EFFECTIVE UPON ENACTMENT. The section of this
 18 division of this Act amending section 256C.5, subsection 1,
 19 takes effect upon enactment.

20 Sec. 49. APPLICABILITY. The section of this division of
 21 this Act amending section 256C.5, subsection 1, applies to
 22 budget years beginning on or after July 1, 2012.

23 DIVISION IV

24 APPROPRIATIONS

25 Sec. 50. There is appropriated from the general fund of
 26 the state to the department of education for the fiscal year
 27 beginning July 1, 2012, and ending June 30, 2013, the following
 28 amounts, or so much thereof as is necessary, to be used for the
 29 purposes designated:

30 1. EARLY CHILDHOOD IOWA FUND — FAMILY SUPPORT AND PARENT
 31 EDUCATION

32 For deposit in the school ready children grants account of
 33 the early childhood Iowa fund created in section 256I.11:
 34 \$ 22,364,434

35 The amount appropriated in this subsection shall be used for



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1 family support services and parent education programs targeted
2 to families expecting a child or with newborn and infant
3 children through age five and shall be distributed using the
4 distribution formula approved by the early childhood Iowa state
5 board and shall be used by an early childhood Iowa area board
6 only for family support services and parent education programs
7 targeted to families expecting a child or with newborn and
8 infant children through age five.

9 **2. AFTER SCHOOL PILOT PROGRAM**

10 For implementation of after school pilot programs at the
11 10 school district attendance centers whose average composite
12 scores on the Iowa test of educational development accounted
13 for the lowest average composite scores for attendance centers
14 statewide in subject areas and at grade levels as determined
15 by the department:

16 \$ 1,000,000

17 a. The department shall work with each school district
18 that has such a low-performing attendance center to implement
19 an after school pilot program at the attendance center. The
20 amount of a grant awarded to a school district to implement
21 the pilot program at the school district's attendance center
22 in accordance with this subsection shall be not less than
23 \$100,000. Moneys appropriated pursuant to this subsection may
24 be expended for purposes that include but are not limited to
25 tutoring and supplementing instruction in basic skills, such
26 as reading, math, and science; drug and violence prevention
27 curricula and counseling; youth leadership activities;
28 volunteer and service learning opportunities, including but not
29 limited to providing health care services for pilot program
30 volunteers who until retirement were employed full-time by the
31 state or a political subdivision as police or fire fighters or
32 to provide human services programs and services to the public;
33 career and vocational awareness preparation; courses and
34 enrichment in arts and culture; computer instruction; character
35 development and civic participation; language instruction,



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1 programs offered by community colleges; and the continued
 2 implementation of the adult literacy for the workforce in Iowa
 3 program administered by the department:
 4 \$ 1,500,000
 5 5. STATEWIDE WORK-BASED LEARNING INTERMEDIARY NETWORK FUND
 6 For deposit in the statewide work-based learning
 7 intermediary network fund created in section 256.40:
 8 \$ 1,500,000
 9 6. WORKFORCE TRAINING AND ECONOMIC DEVELOPMENT FUNDS
 10 For deposit in the workforce training and economic
 11 development funds created pursuant to section 260C.18A:
 12 \$ 12,000,000

EXPLANATION

14 This bill modifies Iowa's human services and education
 15 systems to ensure that children start school ready to learn and
 16 to increase Iowa's student achievement rates.
 17 DIVISION I. The bill requires registration of home child
 18 care providers. Code section 237A.1, providing definitions,
 19 is amended to define the term "relative" to mean an adult
 20 person who is, or was at any time, one of a child's relatives
 21 that is listed in the bill, by means of blood relationship,
 22 marriage, or adoption, or is a spouse of one of the relatives
 23 listed in the bill. The list of relatives includes siblings,
 24 grandparents, cousins, aunts, and uncles.
 25 Under current law in Code section 237A.3, a person or program
 26 providing child care to five children or fewer at any one time
 27 is a child care home provider and is not required to register
 28 under Code section 237A.3A as a child development home. The
 29 bill repeals Code section 237A.3 and revises the definition of
 30 child development home to mean care provided to one or more
 31 children. The bill provides an exemption to the registration
 32 requirement for a relative who provides child care to only
 33 related children or a person providing child care to only
 34 children from a single unrelated family.
 35 References to the term "child care home" are eliminated in

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1 various Code provisions.

2 DIVISION II. The bill provides for an increase in the
3 amount generated by the professional development supplement
4 categorical under the school aid formula, calculated to
5 provide school districts with funding for three additional days
6 of professional development, which the bill directs school
7 districts to include in their district professional development
8 plan. The bill includes technical and conforming changes.

9 The division may include a state mandate as defined in Code
10 section 25B.3. The division requires that the state cost of
11 any state mandate included in the division be paid by a school
12 district from state school foundation aid received by the
13 school district under Code section 257.16. The specification
14 is deemed to constitute state compliance with any state mandate
15 funding-related requirements of Code section 25B.2. The
16 inclusion of this specification is intended to reinstate the
17 requirement of political subdivisions to comply with any state
18 mandates included in the division.

19 DIVISION III. The bill amends the term "preschool budget
20 enrollment", effective upon enactment, to mean 60 percent of
21 the actual enrollment of eligible students in the preschool
22 programming provided by a school district for budget years
23 beginning July 1, 2012. The general assembly reduced the
24 percentage amount from 60 percent to 50 percent in the 2011
25 legislative session for budget years beginning on or after July
26 1, 2011. The term "preschool budget enrollment" is used in
27 determining the amount of preschool foundation aid a school
28 district may receive.

29 The bill increases from five to seven the percentage of its
30 budget enrollment that the district identifies as returning
31 dropouts and potential dropouts when requesting to use modified
32 allowable growth to finance programs for returning dropouts and
33 dropout prevention. The bill also specifies the appropriate
34 uses of such funding by school districts, including salary and
35 benefits for instructional staff, instructional support staff,

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1 and school-based youth services staff who are working with
2 students who are participating in dropout prevention programs,
3 alternative programs, and alternative schools if the staff
4 person's time is dedicated to working with returning dropouts
5 or students who are deemed to be at risk of dropping out, to
6 provide services beyond those provided by the school district
7 to students generally; professional development for all
8 teachers and staff working with at-risk students and programs
9 involving dropout prevention strategies; and research-based
10 resources, materials, software, supplies, and purchased
11 services that meet criteria specified in the bill.

12 The bill allows the school board to submit a request to
13 the school budget review committee for additional modified
14 allowable growth if the funds generated under Code section
15 257.41 are insufficient to meet the dropout programming needs
16 of the district. The bill also permits school districts to use
17 up to 5 percent of the total amount of the funds received that
18 are generated by a formula established in Code, for purposes of
19 providing district-wide or building-wide returning dropout and
20 dropout prevention programming targeted to students who are not
21 deemed at risk of dropping out.

22 The bill creates two funds in the state treasury under the
23 control of the department of education: (1) The pathways for
24 academic career and employment fund for projects developed
25 under the pathways for academic career and employment program
26 and provides a standing appropriation of \$3 million to the
27 fund; and (2) A gap tuition assistance fund for purposes of
28 the gap tuition assistance program, and provides a standing
29 appropriation of \$2 million to the fund.

30 The bill also allows funds in the workforce training and
31 economic development funds to be used for development and
32 implementation of the national career readiness certificate
33 and the skills certification system endorsed by the national
34 association of manufacturers.

35 The bill increases administrator licensing requirements by

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1 providing that applicants for a standard license must have
2 at least five years of successful classroom experience as a
3 licensed teacher.

4 The bill requires that a school district's professional
5 development plan provide, beginning July 1, 2012, and each
6 year thereafter, three more contract days for professional
7 development than the district provided in school year
8 2011-2012.

9 The bill raises the compulsory school attendance age from 16
10 to 18. The bill requires each school district to make every
11 effort to prevent students from dropping out of school, and to
12 align and maximize funding streams that may be used to support
13 students who are at risk of dropping out of school.

14 The bill includes technical amendments to eliminate a
15 reference to the compulsory attendance age for purposes of dual
16 enrollment.

17 The department of transportation is directed to reinstate,
18 upon receipt of proof of high school graduation from a person
19 whose intermediate or full driver's license was suspended or
20 revoked because the person was truant, the person's license for
21 a fee of \$25, notwithstanding a current Code provision that
22 permits the department to charge a fee of \$20 for reinstatement
23 of a license.

24 The total approved amount of school tuition organization tax
25 credits for tax years beginning on or after January 1, 2012,
26 is currently \$8.75 million. The bill sets the amount for tax
27 years beginning on or after January 1, 2014, at \$10 million.

28 The division may include a state mandate as defined in
29 Code section 25B.3. The division requires that the state
30 cost of any state mandate included in the division be paid by
31 a school district from state school foundation aid received
32 by the school district under Code section 257.16 and moneys
33 appropriated in the division. The specification is deemed
34 to constitute state compliance with any state mandate
35 funding-related requirements of Code section 25B.2. The

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1 inclusion of this specification is intended to reinstate the
2 requirement of political subdivisions to comply with any state
3 mandates included in the division.

4 DIVISION IV. The bill appropriates for the 2012-2013 fiscal
5 year \$22,364,434 to the department of education for deposit in
6 the school ready children grants account of the early childhood
7 Iowa fund. As in years past, the amount appropriated must be
8 used for family support services and parent education programs
9 targeted to families expecting a child or with newborn and
10 infant children through age five and shall be distributed using
11 the distribution formula approved by the early childhood Iowa
12 state board and shall be used by an early childhood Iowa area
13 board only for family support services and parent education
14 programs targeted to families expecting a child or with newborn
15 and infant children through age five.

16 The bill also appropriates \$1 million to the department
17 for FY 2012-2013 for implementation of after school pilot
18 programs at the 10 school district attendance centers whose
19 average composite scores on the Iowa test of educational
20 development accounted for the lowest average composite scores
21 for attendance centers statewide in subject areas and at grade
22 levels as determined by the department. Moneys appropriated
23 may be expended for the same purposes as provided under a
24 before and after school grant program established in Code
25 section 256.26, but may also be used to provide health care
26 services for pilot program volunteers who until retirement were
27 employed full-time by the state or a political subdivision as
28 police or fire fighters or to provide human services programs
29 and services to the public. The department shall prepare a
30 report summarizing the pilot program results and comparing them
31 to student academic achievement gains in similar attendance
32 centers in school districts that did not participate in the
33 program, and shall submit the report to the general assembly by
34 July 1, 2015.

35 In addition, the bill appropriates \$250,000 to the

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1 department for issuance of a contract to study the
2 effectiveness of the state's prekindergarten through grade 12
3 educational program. The department shall issue a request
4 for proposals to select a qualified provider who shall
5 track from age 18 to age 21 a random sampling of students
6 who were enrolled only in Iowa school districts until high
7 school graduation. The department shall submit a copy of the
8 provider's report, along with the department's findings and
9 recommendations, to the general assembly not later than October
10 1, 2017.

11 Finally, the bill appropriates from the general fund of the
12 state to the department of education for the 2012-2013 fiscal
13 year \$1.5 million for purposes of administering, providing
14 test materials, scoring of examinations, and issuance of high
15 school equivalency diplomas under Code chapter 259A, adult
16 basic education programs offered by community colleges, and
17 the continued implementation of the adult literacy for the
18 workforce in Iowa program administered by the department;
19 \$1.5 million for deposit in the statewide work-based learning
20 intermediary network fund; and \$12 million to the workforce
21 training and economic development funds.



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House File 2217 - Introduced

HOUSE FILE 2217

BY STECKMAN, KRESSIG, HEDDENS,
WESSEL-KROESCHELL, KELLEY,
KAJTAZOVIC, SWAIM, HANSON,
MURPHY, M. SMITH, THEDE,
ISENHART, WITTNEBEN,
HUNTER, LENSING, WINCKLER,
KEARNS, WOLFE, LYKAM,
JACOBY, COHOON, GAINES,
PETERSEN, WILLEMS,
WENTHE, OLDSON, T. OLSON,
T. TAYLOR, R. OLSON,
GASKILL, ABDUL-SAMAD,
MASCHER, McCARTHY, THOMAS,
and RUNNING-MARQUARDT

A BILL FOR

1 An Act establishing the state percent of growth for purposes of
2 the state school foundation program and including effective
3 date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5989YH (5) 84
md/sc



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H.F. 2217

1 Section 1. Section 257.8, subsection 1, Code Supplement
2 2011, is amended to read as follows:
3 1. *State percent of growth.* ~~The state percent of growth~~
4 ~~for the budget year beginning July 1, 2010, is two percent.~~
5 The state percent of growth for the budget year beginning July
6 1, 2012, is two percent. The state percent of growth for the
7 budget year beginning July 1, 2013, is four percent. The state
8 percent of growth for each subsequent budget year shall be
9 established by statute which shall be enacted within thirty
10 days of the submission in the year preceding the base year of
11 the governor's budget under section 8.21. The establishment of
12 the state percent of growth for a budget year shall be the only
13 subject matter of the bill which enacts the state percent of
14 growth for a budget year.

15 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
16 immediate importance, takes effect upon enactment.

17 Sec. 3. APPLICABILITY. This Act is applicable for computing
18 state aid under the state school foundation program for the
19 school budget year beginning July 1, 2013.

20 EXPLANATION

21 This bill establishes a state percent of growth of 4
22 percent for purposes of the state school foundation program
23 for the school budget year beginning July 1, 2013. The bill
24 takes effect upon enactment and is applicable for state aid
25 computation under the state school foundation program for the
26 school budget year beginning July 1, 2013.



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House File 2218 - Introduced

HOUSE FILE 2218

BY STECKMAN, KRESSIG, HEDDENS,
WESSEL-KROESCHELL, KELLEY,
KAJTAZOVIC, SWAIM, HANSON,
MURPHY, M. SMITH, THEDE,
ISENHART, WITTNEBEN,
HUNTER, LENSING, WINCKLER,
KEARNS, WOLFE, LYKAM,
JACOBY, COHOON, H. MILLER,
PETERSEN, WILLEMS, WENTHE,
OLDSON, T. OLSON, R. OLSON,
T. TAYLOR, GASKILL,
ABDUL-SAMAD, MASCHER,
McCARTHY, THOMAS, and
RUNNING-MARQUARDT

A BILL FOR

1 An Act establishing the categorical state percent of growth
2 for purposes of the state school foundation program and
3 including effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5983YH (3) 84
md/sc



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H.F. 2218

1 Section 1. Section 257.8, subsection 2, Code Supplement
2 2011, is amended to read as follows:

3 2. *Categorical state percent of growth.* ~~The categorical~~
4 ~~state percent of growth for the budget year beginning July~~
5 ~~1, 2010, is two percent.~~ The categorical state percent of
6 growth for the budget year beginning July 1, 2012, is two
7 percent. The categorical state percent of growth for the
8 budget year beginning July 1, 2013, is four percent. The
9 categorical state percent of growth for each budget year shall
10 be established by statute which shall be enacted within thirty
11 days of the submission in the year preceding the base year of
12 the governor's budget under section 8.21. The establishment
13 of the categorical state percent of growth for a budget year
14 shall be the only subject matter of the bill which enacts the
15 categorical state percent of growth for a budget year. The
16 categorical state percent of growth may include state percents
17 of growth for the teacher salary supplement, the professional
18 development supplement, and the early intervention supplement.

19 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
20 immediate importance, takes effect upon enactment.

21 Sec. 3. APPLICABILITY. This Act is applicable for computing
22 state aid under the state school foundation program for the
23 school budget year beginning July 1, 2013.

24 EXPLANATION

25 This bill establishes a categorical state percent of growth
26 of 4 percent for purposes of the state school foundation
27 program for the school budget year beginning July 1, 2013.
28 The categorical state percent of growth includes the teacher
29 salary supplement, the professional development supplement,
30 and the early intervention supplement. The bill takes effect
31 upon enactment and is applicable for computing state aid under
32 the state school foundation program for the school budget year
33 beginning July 1, 2013.



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House File 2219 - Introduced

HOUSE FILE 2219
BY HEATON, DRAKE, PETERSEN,
BERRY, KOESTER, GAINES,
FRY, and THEDE

A BILL FOR

1 An Act requiring diabetes management care in public and
2 nonpublic schools and providing remedies.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5762HH (8) 84
je/rj



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1 Section 1. NEW SECTION. 280.30 Diabetes care.
2 1. *Definitions.* For purposes of this section:
3 *a. "Diabetes medical management plan"* means a document
4 developed by a student's personal health care team that sets
5 out the health services needed by the student at school and
6 that is signed by the student's personal health care team and
7 parent or guardian.
8 *b. "School employee"* means a person employed by a public
9 or nonpublic school, any person employed by a local health
10 department who is assigned to a public or nonpublic school, or
11 a subcontractor designated for this function.
12 *c. "Trained diabetes personnel"* means a school employee who
13 volunteers to be trained in accordance with subsection 2. Such
14 an employee need not be a health care professional.
15 2. *Training of designated school employees.*
16 *a.* The department of education, in coordination with
17 the department of public health and the American diabetes
18 association, shall by January 1, 2013, develop guidelines
19 for the training of school employees in the care needed for
20 students with diabetes. Training shall be provided annually
21 and training guidelines shall include instruction in all of the
22 following:
23 (1) Recognition and treatment of hypoglycemia and
24 hyperglycemia.
25 (2) Understanding the appropriate actions to take when
26 blood glucose levels are outside of the target ranges indicated
27 by a student's diabetes medical management plan.
28 (3) Understanding physician instructions concerning
29 diabetes medication dosage, frequency, and manner of
30 administration.
31 (4) Performance of finger-stick blood glucose checking,
32 ketone checking, and recording the results.
33 (5) The administration of glucagon and insulin and the
34 recording of results.
35 (6) Understanding how to perform basic insulin pump

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1 functions.

2 (7) Recognizing complications that require emergency
3 assistance.

4 (8) Recommended schedules and food intake for meals and
5 snacks, the effect of physical activity upon blood glucose
6 levels, and actions to be implemented in the case of schedule
7 disruption.

8 *b.* The board of directors of a public school district and
9 the authorities in charge of a nonpublic school shall ensure
10 that the training outlined in paragraph "a" is provided to a
11 minimum of three school employees at a school attended by a
12 student with diabetes. The principal or school administrator
13 at such a school shall distribute written notice to recruit
14 employees to volunteer to be trained.

15 *c.* The board of directors of a public school district and
16 the authorities in charge of a nonpublic school shall not
17 subject a school employee to any penalty or disciplinary action
18 for refusing to serve as trained diabetes personnel or prohibit
19 or restrict a school employee from volunteering for training.

20 *d.* The training outlined in paragraph "a" shall be
21 coordinated by a school nurse and provided by a school nurse
22 or other health care professional with expertise in diabetes.
23 Such training shall take place prior to the commencement
24 of each school year, or as needed when a student is newly
25 diagnosed with diabetes or a student with diabetes is newly
26 enrolled at a school but in no event more than 30 days
27 following such diagnosis or enrollment. A school nurse or
28 other health care professional with expertise in diabetes shall
29 promptly provide follow-up training and supervision as needed.

30 *e.* A public and nonpublic school shall provide training
31 in the recognition of hypoglycemia and hyperglycemia and
32 actions to take in response to emergency situations related
33 to such conditions to all school personnel who have primary
34 responsibility for supervising a child with diabetes during
35 some portion of the school day and to all bus drivers

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1 responsible for the transportation of a student with diabetes.

2 3. *Diabetes medical management plan.* The parent or guardian
3 of each student who seeks diabetes care while at school shall
4 submit to the student's school a diabetes medical management
5 plan. The student's school shall review and implement the
6 diabetes medical management plan upon receipt.

7 4. *Required care.*

8 a. In accordance with the request of a parent or guardian
9 of a student with diabetes and the student's diabetes medical
10 management plan, a school nurse, or, in the absence of a school
11 nurse, trained diabetes personnel shall perform functions
12 including but not limited to responding to blood glucose levels
13 that are outside of the student's target range; administering
14 glucagon; administering insulin or assisting a student in
15 administering insulin through the insulin delivery system the
16 student uses; providing oral diabetes medications; checking and
17 recording blood glucose levels and ketone levels or assisting
18 a student with such checking and recording; and following
19 instructions regarding meals, snacks, and physical activity.

20 b. A school nurse or at least one trained diabetes personnel
21 shall be on site and available to provide care to each student
22 with diabetes as set forth in paragraph "a" during regular
23 school hours, school-sponsored before school and after school
24 care programs, and on buses when the bus driver has not
25 completed the necessary training pursuant to subsection 2,
26 paragraph "e".

27 c. A public and nonpublic school where a student with
28 diabetes is enrolled shall maintain trained diabetes personnel.
29 A student's school choice shall not be restricted because the
30 student has diabetes.

31 d. The activities set forth in paragraph "a" shall not
32 constitute the practice of nursing and shall be exempt from all
33 applicable statutes or rules that restrict what activities can
34 be delegated by a nurse or performed by a person who is not a
35 licensed health care professional.

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1 5. *Independent monitoring and treatment.* A student with
2 diabetes, upon written request of the student's parent or
3 guardian and as authorized by the student's diabetes medical
4 management plan, shall be permitted to perform blood glucose
5 checks, administer insulin through the insulin delivery system
6 the student uses, treat hypoglycemia and hyperglycemia, and
7 otherwise attend to the care and management of the student's
8 diabetes in the classroom and in any area of the school or
9 school grounds, and to possess on the student's person at all
10 times all necessary supplies and equipment to perform these
11 monitoring and treatment functions.

12 6. *Immunity from civil liability.* A physician, nurse,
13 school employee, school district, or nonpublic school shall not
14 be liable for civil damages or subject to disciplinary action
15 under professional licensing standards or school disciplinary
16 policies as a result of activities authorized by this section
17 when such acts are committed as an ordinarily prudent person in
18 a like position would have acted under similar circumstances.

19 7. *Enforcement and recourse.*

20 a. The board of directors of a public school district
21 and the authorities in charge of a nonpublic school shall
22 report to the department of education annually by September
23 15 the number of students with diabetes enrolled and shall
24 provide documentation showing compliance with this section and
25 guidelines developed in accordance with this section.

26 b. A parent or guardian of a student with diabetes may file
27 a complaint with the department of education or a civil action
28 for injunctive relief against a school district or nonpublic
29 school that fails to meet the requirements of this section.
30 The court shall award a parent or guardian who is a prevailing
31 party in such a civil action the reasonable costs of suit,
32 including but not limited to reasonable attorney fees. This
33 right of action shall not alter or limit the remedies available
34 under any other state or federal law. An individual school
35 employee shall not be liable under this paragraph.

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je/rj

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1 take place prior to the commencement of each school year, or
2 as needed when a student is newly diagnosed with diabetes or
3 a student with diabetes is newly enrolled at a school, but
4 not more than 30 days after such diagnosis or enrollment. A
5 school nurse or other health care professional with expertise
6 in diabetes is to promptly provide follow-up training and
7 supervision as needed. The bill also provides that a public
8 and nonpublic school must provide training in the recognition
9 of hypoglycemia and hyperglycemia and actions to take in
10 response to emergency situations related to such conditions
11 to all school personnel who have primary responsibility for
12 supervising a child with diabetes during some portion of
13 the school day and to all bus drivers responsible for the
14 transportation of a student with diabetes.

15 The bill requires the parent or guardian of a student who
16 seeks diabetes care while at school to submit to the student's
17 school a diabetes medical management plan. The student's
18 school is required to review and implement the diabetes medical
19 management plan upon receipt. A "diabetes medical management
20 plan" means a document developed by a student's personal health
21 care team that sets out the health services needed by the
22 student at school and that is signed by the student's personal
23 health care team and parent or guardian.

24 The bill provides that in accordance with the request of a
25 parent or guardian of a student with diabetes and the student's
26 diabetes medical management plan, a school nurse, or, in the
27 absence of a school nurse, trained diabetes personnel shall
28 perform various functions necessary for the monitoring and
29 treatment of diabetes. The bill provides that a school nurse
30 or at least one trained diabetes personnel shall be on site and
31 available to provide care to each student with diabetes during
32 regular school hours, school-sponsored before school and after
33 school care programs, and on buses when the bus driver has not
34 completed the necessary training. The bill requires a public
35 and nonpublic school where a student with diabetes is enrolled

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1 to maintain trained diabetes personnel. The bill provides
2 that a student's school choice shall not be restricted because
3 the student has diabetes. The bill provides that activities
4 involving diabetes care as set forth in the bill shall not
5 constitute the practice of nursing and shall be exempt from all
6 applicable statutes or rules that restrict what activities can
7 be delegated by a nurse or performed by a person who is not a
8 licensed health care professional.

9 The bill provides that upon written request of the student's
10 parent or guardian and as authorized by the student's diabetes
11 medical management plan, a student with diabetes shall be
12 permitted to perform various functions necessary for care and
13 management of the student's diabetes in the classroom and in
14 any area of the school or school grounds, and to possess at
15 all times all necessary supplies and equipment to perform such
16 functions.

17 The bill provides that a physician, nurse, school employee,
18 school district, or nonpublic school shall not be liable
19 for civil damages or subject to disciplinary action under
20 professional licensing standards or school disciplinary
21 policies as a result of activities authorized by the bill when
22 such acts are committed as an ordinarily prudent person in a
23 like position would have acted under similar circumstances.

24 The bill provides that the board of directors of a public
25 school district and the authorities in charge of a nonpublic
26 school shall report to the department of education annually by
27 September 15 the number of students with diabetes enrolled and
28 shall provide documentation showing compliance with the bill
29 and guidelines developed in accordance with the bill.

30 The bill authorizes a parent or guardian of a student
31 with diabetes to file a complaint with the department of
32 education or a civil action for injunctive relief against a
33 school district or nonpublic school that fails to meet the
34 requirements of the bill. The bill provides that the court
35 shall award a parent or guardian who is a prevailing party in

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1 such a civil action the reasonable costs of suit, including but
2 not limited to reasonable attorney fees. The bill provides
3 that such right of action shall not alter or limit the remedies
4 available under any other state or federal law. The bill
5 provides that an individual school employee shall not be liable
6 under such right of action.

7 The bill may include a state mandate as defined in Code
8 section 25B.3. The bill requires that the state cost of
9 any state mandate included in the bill be paid by a school
10 district from state school foundation aid received by the
11 school district under Code section 257.16. The specification
12 is deemed to constitute state compliance with any state mandate
13 funding-related requirements of Code section 25B.2. The
14 inclusion of this specification is intended to reinstate the
15 requirement of political subdivisions to comply with any state
16 mandates included in the bill.



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House File 2220 - Introduced

HOUSE FILE 2220
BY HEDDENS and HEATON

A BILL FOR

1 An Act relating to improvements to and implementation of laws
2 concerning elder abuse.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5949HH (3) 84
ad/nh



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1 Section 1. ELDER ABUSE REVIEW AND REPORT.

2 1. The department of human services shall work with the
3 department of inspections and appeals, the department on
4 aging, and the office of the attorney general to conduct a
5 comprehensive review of occurrences of and laws relating to the
6 abuse, neglect, or exploitation of individuals in the state who
7 are sixty years of age or older.

8 2. The review shall include all of the following:

9 a. The current situation of abuse, neglect, and
10 exploitation of individuals in the state who are sixty years of
11 age or older.

12 b. An analysis of laws in other states related to the abuse,
13 neglect, or exploitation of individuals who are sixty years of
14 age or older.

15 c. An analysis of current state law addressing issues
16 related to abuse, neglect, or exploitation of an individual
17 who is sixty years of age or older and recommendations for
18 improvements to existing law or implementation of other laws
19 specifically addressing abuse, neglect, or exploitation of an
20 individual who is sixty years of age or older.

21 d. Other information the department of human services deems
22 relevant.

23 3. The department of human services shall, by December 15,
24 2012, submit a report of its review including findings and
25 recommendations to the governor and general assembly.

26 EXPLANATION

27 This bill relates to improvements to and implementation of
28 laws concerning elder abuse. The bill requires the department
29 of human services to work with the department of inspections
30 and appeals, the department on aging, and the office of the
31 attorney general to review issues related to abuse, neglect,
32 or exploitation of individuals in the state who are 60 years
33 of age or older. The review must include the current issues
34 related to the abuse, neglect, and exploitation of individuals
35 in the state who are 60 years of age or older, an analysis of

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ad/nh

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1 laws in other states related to abuse, neglect, or exploitation
2 of individuals who are 60 years of age or older, an analysis of
3 current state law and any recommendation for improvements to
4 existing law or the implementation of new law related to abuse,
5 neglect, or exploitation of individuals who are 60 years of
6 age or older, and any other information deemed relevant by the
7 department of human services.

8 The bill requires the department of human services to report
9 its findings and recommendations to the governor and the
10 general assembly by December 15, 2012.



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House File 2221 - Introduced

HOUSE FILE 2221
BY HEATON

A BILL FOR

- 1 An Act relating to the classification of certain property used
- 2 for human habitation as residential property.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5697YH (4) 84
md/sc



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1 Section 1. Section 441.21, Code Supplement 2011, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 13. *a.* Beginning with valuations
4 established on or after January 1, 2013, as used in this
5 section, "*residential property*" includes that portion of
6 a building or structure situated on the stories above the
7 ground floor and a proportionate share of the land upon
8 which the building or structure is situated that is used
9 for human habitation even if the use for human habitation
10 is not the primary use of the building or structure if the
11 building or structure consists of three or fewer stories
12 and not less than seventy-five percent of the structural
13 components of the building or structure are more than thirty
14 years old. Accordingly, the assessor may assign more than
15 one classification to a parcel of property satisfying the
16 requirements of this subsection.

17 *b.* For the purposes of this subsection, "*structural*
18 *components*" means footings, foundations, columns, load-bearing
19 walls, beams, girders, rafters, joists, trusses, lateral
20 bracing, and all other components of a building or structure
21 which are essential to the structural stability of the building
22 or structure as a whole.

23 EXPLANATION

24 This bill provides that beginning with valuations
25 established on or after January 1, 2013, residential property
26 includes that portion of a building or structure situated on
27 stories above the ground floor and a proportionate share of the
28 land upon which the building or structure is situated that is
29 used for human habitation even if the use for human habitation
30 is not the primary use of the building or structure if the
31 building or structure consists of three or fewer stories and
32 not less than 75 percent of the structural components of the
33 building or structure are more than 30 years old. The bill
34 defines "*structural components*". The bill allows the assessor
35 to assign more than one classification to a parcel of property

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1 satisfying the requirements of the bill.



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House File 2222 - Introduced

HOUSE FILE 2222
BY BYRNES, UPMEYER, STECKMAN,
and RAYHONS

(COMPANION TO SF 2021 BY RAGAN)

A BILL FOR

1 An Act relating to school bus safety, including providing
2 penalties for failure to obey school bus warning lamps and
3 stop signal arms, providing for a school bus safety study,
4 and making an appropriation.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5206HH (2) 84
dea/nh



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H.F. 2222

1 Section 1. Section 321.372, Code 2011, is amended by adding
 2 the following new subsection:

3 NEW SUBSECTION. 5. *a.* The driver of a school bus who
 4 commits a violation of subsection 1 or 2 is guilty of a simple
 5 misdemeanor punishable as a scheduled violation under section
 6 805.8A, subsection 10.

7 *b.* A person convicted of a violation of subsection 3 is
 8 subject to the following:

9 (1) For a first offense under subsection 3, the person
 10 is guilty of a simple misdemeanor punishable by a fine of at
 11 least two hundred fifty dollars but not more than six hundred
 12 seventy-five dollars.

13 (2) For a second or subsequent offense under subsection 3,
 14 the person is guilty of a serious misdemeanor.

15 Sec. 2. Section 321.482A, unnumbered paragraph 1, Code
 16 2011, is amended to read as follows:

17 Notwithstanding section 321.482, a person who is convicted
 18 of operating a motor vehicle in violation of section 321.178,
 19 subsection 2, paragraph "a", subparagraph (2), section
 20 321.180B, subsection 6, section 321.194, subsection 1,
 21 paragraph "c", section 321.256, section 321.257, section
 22 321.275, subsection 4, section 321.276, 321.297, 321.298,
 23 321.299, 321.302, 321.303, 321.304, 321.305, 321.306, 321.307,
 24 321.308, section 321.309, subsection 2, or section 321.311,
 25 321.319, 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324,
 26 321.324A, 321.327, 321.329, ~~or 321.333~~, or 321.372, subsection
 27 3, causing serious injury to or the death of another person
 28 may be subject to the following penalties in addition to the
 29 penalty provided for a scheduled violation in section 805.8A or
 30 any other penalty provided by law:

31 Sec. 3. Section 805.8A, subsection 10, paragraph b, Code
 32 Supplement 2011, is amended by striking the paragraph.

33 Sec. 4. SCHOOL BUS SAFETY STUDY — APPROPRIATION.

34 1. The department of transportation shall conduct a study
 35 relating to school bus safety, or may contract with an outside

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1 vendor to conduct such a study under the direction of the
2 department. The study shall focus on the use of cameras
3 mounted on school buses to enhance the safety of children
4 riding the buses and to aid in enforcement of motor vehicle
5 laws pertaining to school bus safety. The study shall also
6 consider the feasibility of requiring school children to be
7 picked up and dropped off on the side of the road on which
8 their home is located, the inclusion of school bus safety as a
9 priority in driver training curriculum, and any other issues
10 deemed appropriate by the department. The department shall
11 report its findings and recommendations to the general assembly
12 on or before December 31, 2012.

13 2. There is appropriated from the statutory allocations
14 fund to the department of transportation an amount sufficient
15 to fund the study required under this section.

16 Sec. 5. EFFECTIVE UPON ENACTMENT. The section of this
17 Act providing for a school bus safety study, being deemed of
18 immediate importance, takes effect upon enactment.

19 EXPLANATION

20 This bill contains provisions relating to school bus safety.

21 Under current law, when the driver of a vehicle meets a
22 school bus with flashing amber warning lights, the driver is
23 required to reduce the vehicle's speed to not more than 20
24 miles per hour and, when the stop signal arm on the bus is
25 extended, bring the vehicle to a complete stop and remain
26 stopped until the stop arm is retracted. The driver of a
27 vehicle overtaking a school bus may not pass the school bus
28 when the bus's red or amber warning lights are flashing.
29 When the bus's stop signal arm is extended, the driver of
30 an overtaking vehicle must stop at least 15 feet from the
31 school bus and remain stopped until the stop arm is retracted
32 and the bus resumes motion. Currently, a violation of these
33 requirements is a simple misdemeanor, punishable by a scheduled
34 fine of \$200. Pursuant to Code section 321.372A, a citation
35 for such a violation can be issued to the owner of the vehicle

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1 if the identity of the driver cannot be determined by the
2 investigating peace officer.

3 The bill increases the penalty for a first offense to a
4 simple misdemeanor punishable by a fine of at least \$250 but
5 not more than \$675. In addition, a person convicted of a
6 simple misdemeanor may be subject to confinement for no more
7 than 30 days.

8 The bill provides that a second or subsequent violation is
9 punishable as a serious misdemeanor. A serious misdemeanor is
10 punishable by confinement for no more than one year and a fine
11 of at least \$315 but not more than \$1,875.

12 The bill adds failure to obey school bus warning lights and
13 stop arm signals to the list of violations for which additional
14 penalties may apply in cases involving serious injury or death.
15 A violation causing serious injury may subject the driver to
16 an additional fine of \$500 or driver's license suspension for
17 not more than 90 days, or both. A violation causing death may
18 subject the driver to an additional fine of \$1,000 or driver's
19 license suspension for not more than 180 days, or both.

20 The bill requires the department of transportation to
21 conduct, or contract for, a study relating to school bus
22 safety, focusing on the effectiveness of cameras mounted on
23 school buses. A report to the general assembly regarding
24 the department's findings and recommendations is due by
25 December 31, 2012. The bill contains an appropriation from
26 the statutory allocations fund to pay the costs of conducting
27 the study. These provisions relating to the school bus safety
28 study are effective upon enactment of the bill.



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House File 2223 - Introduced

HOUSE FILE 2223
BY KELLEY

A BILL FOR

- 1 An Act relating to electronic smoking devices and providing
- 2 civil penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5669HH (5) 84
pf/nh



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1 Section 1. NEW SECTION. 453A.2A **Electronic smoking device**
 2 **— persons under legal age — penalty.**

3 1. For the purposes of this section, “*electronic smoking*
 4 *device*” means an electronic or battery-operated device, the
 5 use of which resembles smoking, which can be used to deliver
 6 nicotine or other substances to the person inhaling from the
 7 device. An electronic smoking device includes but is not
 8 limited to an electronic cigarette, cigar, cigarillo, or pipe,
 9 but does not include a cigarette, tobacco product, or nicotine
 10 delivery product or device that is regulated by the United
 11 States food and drug administration or can be prescribed by an
 12 authorized prescriber.

13 2. A person shall not sell, give, or otherwise supply an
 14 electronic smoking device to any person under eighteen years
 15 of age.

16 3. A person under eighteen years of age shall not smoke,
 17 use, possess, purchase, or attempt to purchase an electronic
 18 smoking device.

19 4. Possession of an electronic smoking device by an
 20 individual under eighteen years of age does not constitute a
 21 violation under this section if the individual under eighteen
 22 years of age possesses an electronic smoking device as part of
 23 the individual’s employment and the individual is employed by a
 24 person who lawfully offers for sale or sells electronic smoking
 25 devices.

26 5. A person who violates subsection 2, shall be assessed a
 27 civil penalty as follows:

28 a. If the violation is a first offense, the person shall be
 29 assessed a civil penalty in the amount of five hundred dollars.

30 b. If the violation is a second offense, the person shall be
 31 assessed a civil penalty in the amount of one thousand dollars.

32 c. If the violation is a third or subsequent offense, the
 33 person shall be assessed a civil penalty in the amount of one
 34 thousand five hundred dollars.

35 6. A person who violates subsection 3, shall be assessed a



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1 civil penalty as follows:

2 *a.* If the violation is a first offense, the person shall be
3 assessed a civil penalty of fifty dollars.

4 *b.* If the violation is a second offense, the person shall be
5 assessed a civil penalty of one hundred dollars.

6 *c.* If the violation is a third or subsequent offense, the
7 person shall be assessed a civil penalty of two hundred fifty
8 dollars.

9

EXPLANATION

10 This bill relates to electronic smoking devices. The bill
11 defines an "electronic smoking device" as an electronic or
12 battery-operated device, the use of which resembles smoking,
13 which can be used to deliver nicotine or other substances to
14 the person inhaling from the device. An electronic smoking
15 device includes but is not limited to an electronic cigarette,
16 cigar, cigarillo, or pipe, but does not include a cigarette,
17 tobacco product, or nicotine delivery product or device that is
18 regulated by the United States food and drug administration or
19 can be prescribed by an authorized prescriber.

20 The bill prohibits a person from selling, giving, or
21 otherwise supplying an electronic smoking device to any person
22 under 18 years of age and prohibits a person under 18 years of
23 age from smoking, using, possessing, purchasing, or attempting
24 to purchase an electronic smoking device.

25 The bill provides that possession of an electronic smoking
26 device by an individual under 18 years of age does not
27 constitute a violation if the individual under 18 years of age
28 possesses the device as part of the individual's employment and
29 the individual is employed by a person who lawfully offers for
30 sale or sells electronic smoking devices.

31 A person who violates the bill by selling, giving, or
32 otherwise supplying an electronic smoking device to any person
33 under 18 years of age, is to be assessed a civil penalty based
34 on the number of offenses. For a first offense, the civil
35 penalty is \$500, for a second offense, \$1,000, and for a



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1 third or subsequent offense, \$1,500. A person under 18 years
2 of age who violates the bill by smoking, using, possessing,
3 purchasing, or attempting to purchase an electronic smoking
4 device is to be assessed a civil penalty based on the number of
5 offenses. For a first offense, the civil penalty is \$50, for a
6 second offense, \$100, and for a third or subsequent offense,
7 \$250.



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House File 2224 - Introduced

HOUSE FILE 2224
BY LUKAN

A BILL FOR

1 An Act relating to the state corporate income tax by imposing a
2 flat tax upon a specified amount of net income and including
3 effective date and retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5328YH (2) 84
mm/sc



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1 Section 1. Section 422.21, subsection 1, Code 2011, is
2 amended to read as follows:

3 1. Returns shall be in the form the director prescribes,
4 and shall be filed with the department on or before the last
5 day of the fourth month after the expiration of the tax year.
6 However, cooperative associations as defined in section 6072(d)
7 of the Internal Revenue Code shall file their returns on or
8 before the fifteenth day of the ninth month following the
9 close of the taxable year and nonprofit corporations subject
10 to the unrelated business income tax imposed by section
11 422.33, subsection ~~1A~~ 1B, shall file their returns on or before
12 the fifteenth day of the fifth month following the close of
13 the taxable year. If, under the Internal Revenue Code, a
14 corporation is required to file a return covering a tax period
15 of less than twelve months, the state return shall be for the
16 same period and is due forty-five days after the due date of
17 the federal tax return, excluding any extension of time to
18 file. In case of sickness, absence, or other disability, or
19 if good cause exists, the director may allow further time for
20 filing returns. The director shall cause to be prepared blank
21 forms for the returns and shall cause them to be distributed
22 throughout the state and to be furnished upon application,
23 but failure to receive or secure the form does not relieve
24 the taxpayer from the obligation of making a return that is
25 required. The department may as far as consistent with the
26 Code draft income tax forms to conform to the income tax
27 forms of the internal revenue department of the United States
28 government. Each return by a taxpayer upon whom a tax is
29 imposed by section 422.5 shall show the county of the residence
30 of the taxpayer.

31 Sec. 2. Section 422.33, subsection 1, unnumbered paragraph
32 1, Code Supplement 2011, is amended to read as follows:

33 A tax is imposed annually upon each corporation doing
34 business in this state, or deriving income from sources within
35 this state, in ~~an~~ the amount of one hundred fifty dollars on



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1 net income equal to or less than one million dollars.

2 1A. A tax is imposed annually upon each corporation doing
 3 business in this state, or deriving income from sources within
 4 this state, in an amount computed by applying the following
 5 rates of taxation to the net income exceeding one million
 6 dollars received by the corporation during the income year:

7 Sec. 3. Section 422.33, subsection 1A, Code Supplement
 8 2011, is amended to read as follows:

9 ~~1A.~~ 1B. There is imposed upon each corporation exempt
 10 from the general business tax on corporations by section
 11 422.34, subsection 2, a tax on the amounts and at the rates in
 12 ~~subsection~~ subsections 1 and 1A upon the state's apportioned
 13 share computed in accordance with subsections 2 and 3 of the
 14 unrelated business income computed in accordance with the
 15 Internal Revenue Code and with the adjustments set forth in
 16 section 422.35.

17 Sec. 4. Section 422.33, subsection 4, unnumbered paragraph
 18 1, Code Supplement 2011, is amended to read as follows:

19 In addition to all taxes imposed under this division, there
 20 is imposed upon each corporation doing business within the
 21 state the greater of the tax determined in subsection ~~1~~ 1A,
 22 paragraphs "a" through "d" or the state alternative minimum tax
 23 equal to sixty percent of the maximum state corporate income
 24 tax rate, rounded to the nearest one-tenth of one percent, of
 25 the state alternative minimum taxable income of the taxpayer
 26 computed under this subsection.

27 Sec. 5. Section 422.33, subsection 4, Code Supplement 2011,
 28 is amended by adding the following new paragraph:

29 NEW PARAGRAPH. *0a.* Subtract an exemption amount of one
 30 million dollars. However, in the event this exemption amount
 31 would reduce the state alternative minimum taxable income to
 32 below zero dollars, then the exemption shall be reduced to that
 33 amount which would result in allowing the taxpayer to retain a
 34 state alternative minimum taxable income of zero dollars.

35 Sec. 6. Section 422.33, subsection 7, Code Supplement 2011,



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1 is amended to read as follows:

2 7. a. There is allowed as a credit against the tax
3 determined in subsection ± 1A for a tax year an amount equal to
4 the minimum tax credit for that tax year.

5 The minimum tax credit for a tax year is the excess,
6 if any, of the net minimum tax imposed for all prior tax
7 years beginning on or after January 1, 1987, over the amount
8 allowable as a credit under this subsection for those prior tax
9 years.

10 b. The allowable credit under paragraph "a" for a tax year
11 shall not exceed the excess, if any, of the tax determined
12 in subsection ± 1A over the state alternative minimum tax as
13 determined in subsection 4.

14 The net minimum tax for a tax year is the excess, if any, of
15 the tax determined in subsection 4 for the tax year over the
16 tax determined in subsection ± 1A for the tax year.

17 Sec. 7. Section 441.21, subsection 11, Code Supplement
18 2011, is amended to read as follows:

19 11. Beginning with valuations established on or after
20 January 1, 1995, as used in this section, "*residential*
21 *property*" includes all land and buildings of multiple housing
22 cooperatives organized under chapter 499A and includes land
23 and buildings used primarily for human habitation which land
24 and buildings are owned and operated by organizations that
25 have received tax-exempt status under section 501(c)(3) of the
26 Internal Revenue Code and rental income from the property is
27 not taxed as unrelated business income under section 422.33,
28 subsection ±A 1B.

29 Sec. 8. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
30 immediate importance, takes effect upon enactment.

31 Sec. 9. RETROACTIVE APPLICABILITY. This Act applies
32 retroactively to January 1, 2012, for tax years beginning on
33 or after that date.

34 EXPLANATION

35 This bill relates to the state corporate income tax by

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mm/sc



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1 creating a flat tax of \$150 on the net income or unrelated
2 business income of a corporation equal to or less than \$1
3 million. The net income or unrelated business income of a
4 corporation exceeding \$1 million remains subject to the state
5 corporate income tax at the rates established under current
6 law.

7 The bill amends the state alternative minimum tax and
8 the minimum tax credit for corporations to provide that they
9 will only be applicable to amounts of net income exceeding \$1
10 million.

11 The bill takes effect upon enactment and applies
12 retroactively to January 1, 2012, for tax years beginning on
13 or after that date.



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House File 2225 - Introduced

HOUSE FILE 2225

BY KAJTAZOVIC, HALL, HUNTER,
WESSEL-KROESCHELL, BERRY,
H. MILLER, KELLEY,
WINCKLER, LENSING,
RUNNING-MARQUARDT,
COHOON, M. SMITH, MASCHER,
ABDUL-SAMAD, T. TAYLOR, and
T. OLSON

A BILL FOR

1 An Act providing for an increase in the amount of the earned
2 income tax credit and including retroactive applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5636YH (2) 84
mm/sc



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H.F. 2225

1 Section 1. Section 422.12B, subsection 1, Code 2011, is
2 amended to read as follows:
3 1. The taxes imposed under this division less the credits
4 allowed under section 422.12 shall be reduced by an earned
5 income credit equal to ~~seven~~ ten percent of the federal earned
6 income credit provided in section 32 of the Internal Revenue
7 Code. Any credit in excess of the tax liability is refundable.
8 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
9 retroactively to January 1, 2012, for tax years beginning on
10 or after that date.

11 EXPLANATION

12 This bill increases the amount of the state earned income
13 tax credit. Currently, the credit is equal to 7 percent of the
14 amount of a taxpayer's federal earned income tax credit. The
15 bill increases the amount of the credit to 10 percent.
16 The bill applies retroactively to January 1, 2012, for tax
17 years beginning on or after that date.



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House File 2226 - Introduced

HOUSE FILE 2226
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 510)

A BILL FOR

1 An Act relating to child abuse reports and disposition data.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5374HV (4) 84
ad/nh



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H.F. 2226

1 Section 1. Section 232.71D, subsection 2, Code Supplement
2 2011, is amended to read as follows:

3 2. Except as otherwise provided in subsections 3 and 4,
4 and section 235A.19, subsection 2, if the department issues
5 a finding that the alleged child abuse meets the definition
6 of child abuse under section 232.68, subsection 2, the names
7 of the child and the alleged perpetrator of the alleged child
8 abuse and any other child abuse information shall be placed in
9 the central registry as a case of founded child abuse.

10 Sec. 2. Section 235A.19, subsection 1, Code Supplement
11 2011, is amended to read as follows:

12 1. A subject of a child abuse report, as identified in
13 section 235A.15, subsection 2, paragraph "a", shall have the
14 right to examine report data and disposition data which refers
15 to the subject. The department may prescribe reasonable
16 hours and places of examination. A subject of a child abuse
17 report may provide additional information to the department
18 that is relevant to the report data and disposition data and
19 may request that the department revise the report data and
20 disposition data.

21 Sec. 3. Section 235A.19, Code Supplement 2011, is amended by
22 adding the following new subsection:

23 NEW SUBSECTION. 1A. At the time the notice of the results
24 of an assessment performed in accordance with section 232.71B
25 is issued, the department shall provide notice to a person
26 named in the report as having abused a child of the right to
27 a contested case hearing and shall provide notice to subjects
28 other than the person named in the report as having abused a
29 child of the right to intervene in a contested case proceeding,
30 as provided in subsection 2.

31 Sec. 4. Section 235A.19, subsections 2 and 3, Code
32 Supplement 2011, are amended to read as follows:

33 2. a. A subject of a child abuse report may file with the
34 department within ninety days of the date of the notice of the
35 results of an assessment performed in accordance with section

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1 232.71B, a written statement to the effect that report data and
2 disposition data referring to the subject is in whole or in
3 part erroneous, and may request a correction of that data or of
4 the findings of the assessment report.

5 b. The department shall provide ~~the subject~~ a person named
6 in a child abuse report as having abused a child, who has
7 been adversely affected by a founded child abuse disposition,
8 notwithstanding the placement of the report data in the central
9 registry pursuant to section 232.71D, with an opportunity for a
10 contested case hearing pursuant to chapter 17A to correct the
11 data or the findings, unless the department corrects the data
12 or findings as requested.

13 c. The department shall provide a subject of a child
14 abuse report, other than the person named in the report as
15 having abused a child, with an opportunity to file a motion to
16 intervene in the contested case proceeding.

17 d. The department may defer the hearing until the conclusion
18 of the adjudicatory phase of a pending juvenile or district
19 court case relating to the data or findings. Upon request
20 of any party to the contested case proceeding, the presiding
21 officer may stay the hearing until the conclusion of the
22 adjudicatory phase of a pending juvenile or district court case
23 relating to the data or findings. An adjudication of a child
24 in need of assistance or a criminal conviction in a district
25 court case relating to the child abuse data or findings may be
26 determinative in a contested case proceeding.

27 e. A party to a contested case proceeding shall file an
28 appeal of the presiding officer's proposed decision to the
29 director within ten days of the presiding officer's proposed
30 decision. If an appeal is not filed within ten days from the
31 date of a proposed decision, the proposed decision shall be
32 the final agency action. If a party files an appeal within
33 ten days from the date of the proposed decision, the director
34 has forty-five days from the date of the proposed decision to
35 issue a ruling. Upon the director's failure to issue a ruling

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ad/nh

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1 within forty-five days of the date of the proposed decision,
2 the proposed decision shall be the final agency action.

3 ~~b.~~ f. The department shall not disclose any report data
4 or disposition data until the conclusion of the proceeding to
5 correct the data or findings, except as follows:

6 (1) As necessary for the proceeding itself.

7 (2) To the parties and attorneys involved in a judicial
8 proceeding.

9 (3) For the regulation of child care or child placement.

10 (4) Pursuant to court order.

11 (5) To the subject of an assessment or a report.

12 (6) For the care or treatment of a child named in a report
13 as a victim of abuse.

14 (7) To persons involved in an assessment of child abuse.

15 (8) For statutorily authorized record checks for employment
16 of an individual by a provider of adult home care, adult health
17 facility care, or other adult placement facility care.

18 (9) For others identified in section 235A.15, subsection
19 2, paragraph "d", subparagraph (7), and paragraph "e",
20 subparagraphs (9) and (16).

21 3. ~~The subject of a~~ A person named in a child abuse report
22 as having abused a child, who has been adversely affected by a
23 founded child abuse disposition, notwithstanding the placement
24 of the report data in the central registry pursuant to section
25 232.71D, may appeal the decision resulting from a hearing held
26 pursuant to subsection 2 to the district court of Polk county
27 or to the district court of the district in which the ~~subject~~
28 ~~of the child abuse~~ person named in the report as having abused
29 a child resides. Immediately upon appeal the court shall order
30 the department to file with the court a certified copy of the
31 report data or disposition data. Appeal shall be taken in
32 accordance with chapter 17A.

33 Sec. 5. CHILD ABUSE REPORTS — DIFFERENTIAL RESPONSE
34 REVIEW.

35 1. The department of human services shall conduct a



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1 comprehensive review to determine whether to recommend
2 implementation of a differential response to child abuse
3 reports when the initial report is received by the department
4 pursuant to section 232.70. The department of human services
5 shall also review and recommend the length of time a person
6 named in a child abuse report as having abused a child should
7 remain on the child abuse registry and the circumstances under
8 which the department may remove the name of a person named
9 in the report as having abused a child from the report and
10 disposition data prior to the expiration of a ten-year period.

11 2. "Differential response", as used in this section, means
12 at least two discrete response options for the screening of
13 cases constituting a child abuse allegation pursuant to the
14 department's assessment process. One of the options shall
15 include a voluntary, noninvestigative response.

16 3. The department shall, by December 1, 2012, submit a
17 report of its review including findings and recommendations to
18 the governor and general assembly.

19 Sec. 6. REPORT ON CHILD ABUSE ASSESSMENTS ADMINISTRATIVE
20 APPEALS. The department of human services and the department
21 of inspections and appeals shall, by December 1, 2012, submit
22 a preliminary report to the governor and general assembly
23 regarding the length of time for appeals of placement on
24 the child abuse registry within the last five years. The
25 department of human services and the department of inspections
26 and appeals shall submit a final report to the governor and
27 the general assembly by December 1, 2013. The preliminary
28 and final reports shall include information on the number of
29 persons appealing, the alleged reason for the placement, the
30 length of time for an appeal including the time between a
31 request for a contested case hearing and the occurrence of the
32 contested case hearing, the proposed decision of the presiding
33 officer, and, if the proposed decision was appealed, the review
34 of the director, and the reasons for outliers in the length of
35 time for an appeal.

LSB 5374HV (4) 84
ad/nh

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1

EXPLANATION

2 This bill amends provisions relating to the child abuse
3 registry and child abuse reports and disposition data. The
4 bill amends Code section 235A.19 to allow a subject of a
5 child abuse report to provide additional information to the
6 department of human services (DHS) concerning report data
7 and disposition data. A subject of a child abuse report may
8 also request that the department revise the report data and
9 disposition data.

10 The bill also amends Code section 235A.19 to require DHS
11 to provide subjects of the child abuse report with notice of
12 the right to appeal or intervene at the time the notice of
13 the results of the assessment is issued. The bill requires
14 DHS to provide only the alleged perpetrator of the abuse,
15 regardless of whether the data is placed on the registry, with
16 an opportunity for a contested case hearing and the right to
17 appeal from the contested case hearing. Current law allows
18 such rights to all subjects of a child abuse report. However,
19 the bill also requires DHS to provide all other subjects,
20 as defined in Code section 235A.15, subsection 2, with an
21 opportunity to intervene in the contested case proceeding.

22 The bill further provides that upon the request of any party
23 to the contested case proceeding, the presiding officer may
24 stay the hearing until the conclusion of the adjudicatory phase
25 of a juvenile case or a district court case that is related to
26 the data or findings. The bill states that an adjudication
27 of a child in need of assistance or a criminal conviction in
28 district court that is related to the data or findings may be
29 determinative in a contested case proceeding.

30 The bill provides that a party to a contested case proceeding
31 has 10 days to file an appeal from the proposed decision of
32 the presiding officer of the contested case proceeding to the
33 director of the department of human services. If an appeal is
34 not filed within that 10-day period, the proposed decision of
35 the presiding officer is the final agency action. If an appeal

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1 is filed within the 10-day period, the director has 45 days
2 from the date of the proposed decision to issue a ruling. If
3 the director fails to issue a ruling within the 45-day period,
4 the presiding officer's proposed decision is the final agency
5 action.

6 The bill also requires DHS to conduct a comprehensive
7 review to determine whether to recommend implementation of a
8 differential response when initially receiving a child abuse
9 report. DHS must also review and recommend the length of
10 time a person named in a child abuse report as having abused
11 a child should remain on the registry and circumstances for
12 removing the name of a person named in a child abuse report as
13 having abused a child from the registry. The bill requires DHS
14 to submit a report of its determination to the governor and
15 general assembly by December 1, 2012.

16 The bill also requires the DHS and the department of
17 inspections and appeals to submit a preliminary report to the
18 governor and general assembly by December 1, 2012, regarding
19 the length of time for appeals of placement on the child
20 abuse registry. The bill requires DHS and the department of
21 inspections and appeals to submit a final report regarding the
22 length of time for appeals of placement on the child abuse
23 registry by December 1, 2013.



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House File 2227 - Introduced

HOUSE FILE 2227
BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 546)

A BILL FOR

1 An Act relating to child labor requirements administered by
2 the labor commissioner, making penalties applicable, and
3 including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5314HV (3) 84
je/sc



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H.F. 2227

1 Section 1. Section 92.1, Code 2011, is amended to read as
2 follows:

3 **92.1 Street occupations — migratory labor.**

4 1. ~~No~~ A person under ten years of age shall not be employed
5 or permitted to work with or without compensation at any time
6 within this state in street occupations of peddling, ~~shoe~~
7 ~~polishing~~, the distribution or sale of newspapers, magazines,
8 periodicals or circulars, nor in any other occupations in any
9 street or public place. ~~The labor commissioner shall, when~~
10 ~~ordered by a judge of the juvenile court, issue a work permit~~
11 ~~as provided in this chapter to a person under ten years of age.~~

12 2. ~~No person under twelve years of age shall be employed~~
13 ~~or permitted to work with or without compensation at any time~~
14 ~~within this state in connection with migratory labor, except~~
15 ~~that the labor commissioner may upon sufficient showing by a~~
16 ~~judge of the juvenile court, issue a work permit as provided in~~
17 ~~this chapter to a person under twelve years of age.~~

18 Sec. 2. Section 92.2, Code 2011, is amended to read as
19 follows:

20 **92.2 Over ten and under sixteen years of age.**

21 1. A person over ten and under sixteen years of age
22 cannot be employed, with or without compensation, in street
23 occupations ~~or migratory labor~~ as defined in section 92.1,
24 unless the person holds a child labor work permit issued
25 pursuant to this chapter ~~and the school the person attends has~~
26 ~~certified that the person is regularly attending school and~~
27 ~~the potential employment will not interfere with the person's~~
28 ~~progress in school. A written agreement, as defined in section~~
29 ~~92.11, subsection 1, shall not be required for the issuance of~~
30 ~~a work permit under this section.~~

31 ~~a. Notwithstanding section 92.7, a person with a permit to~~
32 ~~engage in migratory labor shall only work between 5:00 a.m. and~~
33 ~~7:30 p.m. from Labor Day through June 1, and between 5:00 a.m.~~
34 ~~and 9:00 p.m. for the remainder of the year.~~

35 ~~b. 2. Notwithstanding section 92.7, a person with a permit~~



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1 ~~to engage~~ engaged in street occupations shall only work between
2 4:00 a.m. and 7:30 p.m. when local public schools are in
3 session and between 4:00 a.m. and 8:30 p.m. for the remainder
4 of the year.

5 ~~2. The requirements of section 92.10 shall not apply to~~
6 ~~a person, firm, or corporation employing a person engaged in~~
7 ~~street occupations pursuant to this section.~~

8 Sec. 3. Section 92.3, Code 2011, is amended to read as
9 follows:

10 **92.3 Under fourteen — permitted occupations.**

11 ~~No~~ A person under fourteen years of age shall not be employed
12 or permitted to work with or without compensation in any
13 occupation, except in the street trade occupations ~~or migratory~~
14 ~~labor occupations~~ specified in section 92.1. ~~Any migratory~~
15 ~~laborer twelve to fourteen years of age may not work prior to~~
16 ~~or during the regular school hours of any day of any private~~
17 ~~or public school which teaches general education subjects and~~
18 ~~which is available to such child.~~

19 Sec. 4. Section 92.4, subsection 4, Code 2011, is amended by
20 striking the subsection.

21 Sec. 5. Section 92.8, subsection 19, Code 2011, is amended
22 to read as follows:

23 19. Occupations involving exposure to ~~lead fumes or its~~
24 ~~compounds, or to dangerous or poisonous dyes or hazardous~~
25 chemicals.

26 Sec. 6. Section 92.10, Code 2011, is amended to read as
27 follows:

28 **92.10 Permit on file.**

29 Except as provided in section 92.2, a person under sixteen
30 years of age shall not be employed or permitted to work with or
31 without compensation unless the person, firm, or corporation
32 employing such person ~~receives and keeps on file accessible to~~
33 ~~any officer charged with the enforcement of this chapter, a~~
34 work permit issued as provided in this chapter, completes the
35 requirements of section 92.11, subsection 5, paragraph "a", and



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1 keeps a complete list of the names and ages of all such persons
2 under sixteen years of age employed. An employer may complete
3 and file a child labor work permit for an employee sixteen
4 years of age or older.

5 ~~Certificates of age shall be issued for persons sixteen and~~
6 ~~seventeen years of age and for all other persons eighteen and~~
7 ~~over upon request of the person's prospective employer.~~

8 Sec. 7. Section 92.11, Code 2011, is amended by striking the
9 section and inserting in lieu thereof the following:

10 **92.11 Issuance and revocation of child labor work permits.**

11 1. The labor commissioner shall develop and post on the
12 division of labor services' internet site all of the following:

13 a. A child labor work permit form as provided by this
14 section and a means of electronically filing a child labor work
15 permit with the labor commissioner.

16 b. Information about the hours and occupation limitations as
17 provided by this chapter.

18 c. An affidavit that may be completed by a licensed
19 physician when no other proof of age is available.

20 2. Using the form created by the labor commissioner, the
21 child shall complete the child's name, age, address, date
22 of birth, place of birth, and gender, and shall sign the
23 form. The child shall provide to the employer evidence of age
24 consisting of one of the following forms of proof in descending
25 order of preference:

26 a. A certified copy of the child's birth certificate legally
27 filed with a registrar of vital statistics or other officer
28 charged with the duty of recording births.

29 b. A passport.

30 c. Official documentation issued by the state or federal
31 government that includes the child's age.

32 d. An affidavit on a form available from the labor
33 commissioner signed by a licensed physician stating how old the
34 physician believes the child to be.

35 3. A parent, guardian, or custodian of the child shall



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1 complete the parent's, guardian's, or custodian's name,
2 address, and telephone number, and shall sign the form.
3 4. The employer shall complete the business name, address,
4 and telephone number. The employer shall review the relevant
5 limitations on hours and occupations as set forth in this
6 chapter. The employer shall personally view the evidence of
7 the child's age and shall make a copy of the proof of age and
8 keep it on file. The employer shall sign the child labor work
9 permit including certification of each of the following:
10 a. The employer has viewed and copied the child's proof of
11 age.
12 b. The employer has read and understands the hours and
13 occupation limitations pertaining to the child.
14 c. The employer agrees not to employ the child in a manner
15 inconsistent with the hours and occupation limitations.
16 d. The information on the child labor work permit is true
17 and accurate.
18 e. The employer understands that criminal and civil
19 penalties may result from violations of this chapter.
20 5. a. The employer shall either file the completed child
21 labor work permit electronically with the labor commissioner or
22 keep the completed child labor work permit on file accessible
23 to any officer charged with the enforcement of this chapter.
24 The employer shall also provide one copy of the completed child
25 labor work permit to the child and one copy to the parent,
26 guardian, or custodian of the child.
27 b. The child may begin work upon completion of the
28 requirements of paragraph "a".
29 c. The labor commissioner may contact the employer regarding
30 correcting deficiencies in the child labor work permit. If the
31 employer does not make needed corrections within seven days,
32 the labor commissioner may initiate revocation proceedings.
33 6. The labor commissioner may revoke a child labor work
34 permit upon good cause in accordance with the provisions of
35 chapter 17A.

LSB 5314HV (3) 84
je/sc

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1 Sec. 8. Section 92.17, subsections 3 and 6, Code 2011, are
2 amended to read as follows:

3 3. Work in the production of seed, limited to removal of
4 off-type plants, corn tassels and hand-pollinating during the
5 months of June, July, and August by persons fourteen years of
6 age or over, and part-time work in agriculture, ~~not including~~
7 ~~migratory labor.~~

8 6. A juvenile court from ordering a child ~~at least twelve~~
9 ~~years old~~ to complete a work assignment of value to the state
10 or to the public or to the victim of a crime committed by
11 the child, in accordance with section 232.52, subsection 2,
12 paragraph "a".

13 Sec. 9. Section 92.20, subsection 1, Code 2011, is amended
14 to read as follows:

15 1. The parent, guardian, or person in charge of ~~any~~
16 ~~migratory worker or of~~ any child who engages in any street
17 occupation in violation of any of the provisions of this
18 chapter shall be guilty of a serious misdemeanor.

19 Sec. 10. Section 92.22, Code 2011, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 8. The commissioner may file a petition for
22 enforcement concerning a civil penalty that is final pursuant
23 to chapter 17A. The clerk of court, unless otherwise ordered
24 by the court, shall forthwith enter a decree and shall transmit
25 a copy of the decree to the commissioner and the employer named
26 in the petition.

27 Sec. 11. REPEAL. Sections 92.12, 92.13, 92.14, 92.15,
28 92.16, and 92.18, Code 2011, are repealed.

29 Sec. 12. EFFECTIVE DATE. This Act takes effect January 1,
30 2013.

EXPLANATION

31
32 This bill makes various changes to child labor requirements
33 administered by the labor commissioner under Code chapter 92.

34 The bill removes all specific references in Code chapter
35 92 to migratory labor, which is defined to include any person



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1 who customarily and repeatedly travels from state to state for
2 the purpose of obtaining seasonal employment. The general
3 provisions of Code chapter 92 remain applicable to such
4 activity.

5 The bill removes an exemption for street occupations from
6 the work permitting process.

7 The bill removes a provision requiring an issuing officer to
8 issue certificates of age.

9 The bill revises the process for the issuance of work permits
10 for child labor. The bill removes the responsibility of a
11 superintendent of schools or other school official to issue a
12 work permit. Under the bill, a child may begin work upon the
13 child's employer electronically filing a completed work permit
14 form with the labor commissioner or retaining a completed
15 work permit on file. The bill removes the requirement that
16 a child's employer file a physical copy of the permit with
17 the commissioner. The commissioner may contact the employer
18 regarding any deficiencies in the form, and the employer will
19 have seven days to make any corrections. The commissioner may
20 revoke a work permit for good cause in accordance with Code
21 chapter 17A, the Iowa administrative procedure Act. The bill
22 sets out the information that must be included on a work permit
23 form, including identifying information, contact information,
24 and proof of age. The bill specifies that certain parts of a
25 work permit form are to be filled out by the child; the child's
26 parent, guardian, or custodian; and the child's employer. The
27 bill requires an employer to verify the child's age, and to
28 review and agree to obey the requirements of Code chapter 92.
29 The bill removes from the information required on a work permit
30 form the child's work hours and duties, height, weight, hair
31 color, eye color, and last grade completed. The bill allows an
32 employer to fill out a work permit for an employee 16 years of
33 age or older.

34 Code chapter 92 provides that it is not to be construed to
35 prohibit a juvenile court from ordering a child at least 12

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1 years old to complete a work assignment of value to the state
2 or to the public or to the victim of a crime committed by the
3 child. The bill removes this age limitation.

4 The bill allows the labor commissioner to file a petition
5 for enforcement for a civil penalty if the penalty is final
6 pursuant to Code chapter 17A and to promptly receive an
7 enforcement decree.

8 The bill makes additional technical changes to Code chapter
9 92.

10 The bill takes effect January 1, 2013.



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House File 2228 - Introduced

HOUSE FILE 2228
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 526)

A BILL FOR

- 1 An Act relating to requirements for a motor vehicle operator to
- 2 have control of the vehicle at all times and to reduce speed
- 3 in specific situations.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5239HV (2) 84
dea/nh



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1 Section 1. Section 321.285, subsection 2, paragraph a,
2 unnumbered paragraph 1, Code 2011, is amended to read as
3 follows:

4 Unless otherwise provided by this section, or except as
5 posted pursuant to sections 262.68, 321.236, subsection 5,
6 section 321.288, subsection 6 2, paragraph "f", sections
7 321.289, 321.290, 321.293, 321.295, and 461A.36, the following
8 shall be the lawful speed and any speed in excess thereof shall
9 be unlawful:

10 Sec. 2. Section 321.288, Code 2011, is amended to read as
11 follows:

12 **321.288 Control of vehicle — reduced speed.**

13 1. A person operating a motor vehicle shall have the vehicle
14 under control at all times ~~and.~~

15 2. A person operating a motor vehicle shall reduce the speed
16 to a reasonable and proper rate:

17 ~~1-~~ a. When approaching and passing a person walking in the
18 traveled portion of the public highway.

19 ~~2-~~ b. When approaching and passing an animal which is being
20 led, ridden, or driven upon a public highway.

21 ~~3-~~ c. When approaching and traversing a crossing or
22 intersection of public highways, or a ~~bridge,~~ sharp turn,
23 curve, or steep descent, in a public highway.

24 ~~4-~~ d. When approaching and passing an emergency warning
25 device displayed in accordance with rules adopted under section
26 321.449, or an emergency vehicle displaying a revolving or
27 flashing light.

28 ~~5-~~ e. When approaching and passing a slow moving vehicle
29 displaying a reflective device or alternative reflective device
30 as provided by section 321.383.

31 ~~6-~~ f. When approaching and passing through a ~~sign-posted~~
32 ~~road work zone upon the public highway.~~

33 EXPLANATION

34 Currently, language in Code section 321.288 requires that
35 a person operating a motor vehicle "have the vehicle under



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1 control at all times”, and in the same sentence, the language
2 goes on to require the operator to “reduce the speed to a
3 reasonable and proper rate” and to list the situations in which
4 the requirement applies. This bill amends that language by
5 separately stating the requirement to have the vehicle under
6 control at all times and the requirement to reduce speed to a
7 reasonable and proper rate under specified circumstances.

8 The current requirement to reduce speed to a reasonable
9 and proper rate when approaching and traversing a bridge
10 is stricken from Code section 321.288. Requirements for
11 controlling a vehicle’s speed when driving on a bridge are
12 addressed with more specificity in Code section 321.295.
13 The requirement to reduce speed to a reasonable and proper
14 rate when approaching and passing through a road work zone
15 is revised to conform to the definition of “road work zone”
16 contained in chapter 321. The bill contains a conforming
17 amendment to Code section 321.285.

18 The existing penalty for a violation of Code section
19 321.288 is not changed by the bill. A violation is a simple
20 misdemeanor, punishable by a scheduled fine of \$100.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 06, 2012

House File 2229 - Introduced

HOUSE FILE 2229
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 2028)

A BILL FOR

1 An Act allowing a veteran to request that the veteran's
2 driver's license or nonoperator's identification card be
3 marked with the word "VETERAN" to indicate veteran status.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5540HV (2) 84
aw/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
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H.F. 2229

1 Section 1. Section 321.189, Code 2011, is amended by adding
 2 the following new subsection:

3 NEW SUBSECTION. 8. *Veterans status.* Beginning no later
 4 than July 1, 2013, a licensee who is an honorably discharged
 5 veteran of the armed forces of the United States seeking to
 6 obtain a license, other than a replacement license, pursuant
 7 to this section may request that such a license be marked to
 8 reflect the licensee's veteran status. Upon such a request
 9 the word "VETERAN" shall be marked prominently on the face
 10 of the license. Such a license shall be issued only upon
 11 receipt of satisfactory proof of veteran status pursuant to
 12 procedures established by the department in consultation with
 13 the department of veterans affairs. This subsection shall
 14 not apply to duplicate or substitute licenses or nonoperator
 15 identification cards obtained pursuant to section 321.195.

16 Sec. 2. Section 321.190, subsection 1, paragraph b, Code
 17 Supplement 2011, is amended to read as follows:

18 *b.* (1) The department shall not issue a card to a person
 19 holding a driver's license. However, a card may be issued to a
 20 person holding a temporary permit under section 321.181. The
 21 card shall be identical in form to a driver's license issued
 22 under section 321.189 except the word "nonoperator" shall
 23 appear prominently on the face of the card.

24 (2) A nonoperator's identification card issued to a person
 25 under eighteen years of age shall contain the same information
 26 as any other nonoperator's identification card except that the
 27 words "under eighteen" shall appear prominently on the face of
 28 the card.

29 (3) A nonoperator's identification card issued to a
 30 person eighteen years of age or older but under twenty-one
 31 years of age shall contain the same information as any other
 32 nonoperator's identification card except that the words "under
 33 twenty-one" shall appear prominently on the face of the card.

34 (4) A nonoperator's identification card issued to an
 35 honorably discharged veteran of the armed forces of the United



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1 States who satisfies the requirements of section 321.189,
2 subsection 8, shall contain the same information as any other
3 nonoperator's identification card except the word "VETERAN"
4 shall appear prominently on the face of the card.

5 EXPLANATION

6 This bill provides that by July 1, 2013, a person who is
7 an honorably discharged veteran of the armed forces of the
8 United States may request to have that status noted on the
9 person's driver's license or nonoperator's identification
10 card. A veteran may not request that such status appear on a
11 replacement, duplicate, or substitute license or nonoperator's
12 identification card. A veteran making such a request is
13 required to provide proof of veteran status. The license card
14 issued to the veteran will have the word "VETERAN" marked
15 prominently on its face.



Iowa General Assembly
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House File 2230 - Introduced

HOUSE FILE 2230
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HF 496)

A BILL FOR

1 An Act requiring that land within a levee or drainage district
2 be included in an abstract of title.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2394HV (3) 84
da/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 06, 2012

H.F. 2230

1 Section 1. NEW SECTION. **468.12A Abstract.**
2 An attorney or abstractor who prepares an abstract of
3 title for land located within an existing levee or drainage
4 district shall indicate that the land is part of such district.
5 The county where the land is located shall provide records
6 necessary for the attorney or abstractor to prepare the
7 abstract.

8 EXPLANATION
9 This bill applies to land located within a levee or drainage
10 district. An attorney or abstractor must indicate that the
11 land is part of such district when preparing an abstract of
12 title. The county where the land is located must provide
13 records necessary for the preparation.



Iowa General Assembly
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House File 2231 - Introduced

HOUSE FILE 2231
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HF 2082)

A BILL FOR

1 An Act relating to residency qualifications for memorial
2 hospital commissioners.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5681HV (2) 84
aw/sc



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H.F. 2231

1 Section 1. Section 37.10, Code 2011, is amended to read as
 2 follows:

3 **37.10 Qualification — appointment.**

4 1. Each commissioner, except for a memorial hospital
 5 commissioner, shall be a veteran, as defined in section 35.1,
 6 and be a resident of the county in which the memorial hall or
 7 monument is located. Each commissioner for a memorial hospital
 8 shall be a resident of ~~the county in which the memorial~~
 9 ~~hospital is located~~ this state and reside within the memorial
 10 hospital's service area.

11 2. Each commission member shall be appointed by the mayor
 12 with approval of the council or by the chairperson of the
 13 county board of supervisors in the case of a county or joint
 14 memorial building or monument.

15 EXPLANATION

16 This bill relates to residency qualifications for memorial
 17 hospital commissioners. The bill provides that each
 18 commissioner of a memorial hospital be a resident of this state
 19 and reside within the service area of the memorial hospital.
 20 Current law requires that each commissioner for a memorial
 21 hospital be a resident of the county in which the memorial
 22 hospital is located.



Iowa General Assembly
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House File 2232 - Introduced

HOUSE FILE 2232
BY WOLFE

A BILL FOR

- 1 An Act creating a task force on the awarding of joint physical
- 2 care in child custody proceedings.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5613HH (3) 84
pf/nh



**Iowa General Assembly
Daily Bills, Amendments and Study Bills
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H.F. 2232

1 Section 1. TASK FORCE — AWARD OF JOINT PHYSICAL CARE.
 2 1. The state court administrator shall convene a task force
 3 to review the outcomes of contested child custody proceedings
 4 in the state and the awarding of joint physical care. The
 5 task force shall consider the positive and negative impacts
 6 on parents and children of awarding joint physical care, the
 7 rationale of the court in awarding or failing to award joint
 8 physical care, and the experiences of other jurisdictions in
 9 awarding joint physical care. The study shall consider data,
 10 information, case law, and other input from academic, research,
 11 legal, and other sources and professionals.
 12 2. In appointing members to the task force, the state
 13 court administrator shall ensure that the viewpoint of parent
 14 advocacy groups, child advocacy groups, academics, policy
 15 analysts, judges, court administrators, attorneys, domestic
 16 violence advocates, citizen members who are not associated with
 17 a parent or child advocacy group, appropriate departments, and
 18 other interested parties are represented.
 19 3. The state court administrator shall submit a report
 20 to the general assembly on the results of the task force's
 21 evaluation of the awarding of joint physical care, the
 22 review of the experiences of other jurisdictions, and the
 23 recommendations of the task force no later than December 15,
 24 2012.

EXPLANATION

25
 26 This bill directs the state court administrator to convene a
 27 task force to review the outcomes of contested child custody
 28 proceedings and the awarding of joint physical care. The
 29 task force is to consider the positive and negative impacts
 30 on parents and children of awarding joint physical care, the
 31 rationale of the court in awarding or failing to award joint
 32 physical care in particular cases, and the experiences of other
 33 jurisdictions in awarding joint physical care. The study is
 34 to consider data, information, case law, and other input from
 35 academic, research, legal, and other sources and professionals.

LSB 5613HH (3) 84

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pf/nh

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H.F. 2232

1 The bill directs the state court administrator, in appointing
2 members to the task force, to ensure that varied viewpoints
3 are represented. The state court administrator is to submit
4 a report to the general assembly on the results of the task
5 force's evaluation of the awarding of joint physical care,
6 the review of the experiences of other jurisdictions, and the
7 recommendations of the task force no later than December 15,
8 2012.



Iowa General Assembly
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House File 2233 - Introduced

HOUSE FILE 2233
BY WOLFE

A BILL FOR

1 An Act relating to permissible charges imposed by a public
2 utility furnishing water to a city in connection with the
3 installation and maintenance of fire sprinkler systems.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5771YH (3) 84
rn/sc



**Iowa General Assembly
Daily Bills, Amendments and Study Bills
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H.F. 2233

1 Section 1. Section 476.6, Code Supplement 2011, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 15A. *Water costs for fire protection —*
4 *limitation.*

5 *a.* Notwithstanding subsection 15, paragraph “a”, a public
6 utility furnishing water to a city may not include in the rates
7 or charges assessed to consumers receiving fire protection
8 service by the city, or otherwise impose, any fee or recurring
9 maintenance charge for the installation and maintenance of a
10 fire sprinkler system that exceeds the actual costs associated
11 with the water line to the system.

12 *b.* For the purposes of this subsection, “actual costs”
13 include direct labor, material, and other charges associated
14 with an individual sprinkler line documented by either
15 an invoice or work order that specifically assigns to the
16 individual line the costs associated with that line.

17 EXPLANATION

18 This bill relates to permissible charges imposed by a public
19 utility furnishing water to a city in connection with the
20 installation and maintenance of fire sprinkler systems.

21 Currently, Code section 476.6, subsection 15, permits a city
22 furnished water by a public utility subject to rate regulation
23 to apply to the Iowa utilities board for inclusion of all or
24 a part of the costs of fire hydrants or other improvements,
25 maintenance, and operations for the purpose of providing
26 adequate water production, storage, and distribution for public
27 fire protection in the rates or charges assessed to consumers
28 covered by the applicant’s fire protection service.

29 This bill provides that, notwithstanding this provision,
30 a public utility furnishing water to a city may not include
31 in the rates or charges assessed to consumers receiving fire
32 protection service by the city, or otherwise impose, any fee
33 or recurring maintenance charge for the installation and
34 maintenance of a fire sprinkler system that exceeds the actual
35 costs associated with the water line to the system. The bill

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1 defines "actual costs" to include direct labor, material, and
2 other charges associated with an individual sprinkler line
3 documented by either an invoice or work order that specifically
4 assigns the costs incurred to the individual line.



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House File 2234 - Introduced

HOUSE FILE 2234
BY BRANDENBURG

A BILL FOR

- 1 An Act relating to and requiring the return of stolen
- 2 merchandise in the possession of a pawn shop owner or
- 3 operator, and providing penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5790YH (3) 84
rn/nh



**Iowa General Assembly
Daily Bills, Amendments and Study Bills
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H.F. 2234

1 Section 1. NEW SECTION. 714.28 Pawn shops — stolen
2 merchandise — return to rightful owner.

3 1. The governing body of a political subdivision which has
4 adopted an ordinance regulating the operation of pawn shops
5 shall include within the ordinance a provision requiring the
6 owner or operator of a pawn shop to return merchandise held
7 or offered for sale by the owner or operator which local,
8 state, or federal law enforcement officials have determined
9 to be stolen to the rightful owner of the merchandise. The
10 merchandise shall be returned by the owner or operator of the
11 pawn shop, or local law enforcement officials, to the owner
12 of the merchandise at no charge or cost to the owner. The
13 ordinance shall specify procedures and requirements regarding
14 verifying the identity of the owner of the stolen merchandise,
15 and that the merchandise was in fact reported as stolen
16 pursuant to a police report, national electronic database, or
17 other applicable means of notification.

18 2. In addition to any other penalty imposed for violation
19 of an ordinance described in subsection 1, if the political
20 subdivision issues a license or permit for the operation of
21 a pawn shop, the ordinance shall provide for the suspension,
22 revocation, or nonrenewal of the license or permit in the
23 event the ordinance is violated by an owner or operator. A
24 suspension, revocation, or nonrenewal shall not take effect
25 without notice delivered to the licensee or permittee by
26 regular mail addressed to the licensee or permittee at the
27 licensed premises a minimum of ten days prior to a date set
28 for hearing before a magistrate or district associate judge.
29 The notice shall inform the licensee or permittee of the time,
30 date, and place of hearing and the purpose of the hearing, and
31 shall set out briefly the reasons for the hearing.

32 a. A decision regarding whether to suspend or revoke
33 a license or permit, or deny its renewal, shall be at the
34 discretion of the magistrate or district associate judge,
35 based upon the circumstances surrounding the violation and its

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rn/nh



Iowa General Assembly
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House File 2235 - Introduced

HOUSE FILE 2235

BY HANSON, MASCHER,
ABDUL-SAMAD, GASKILL,
R. OLSON, STECKMAN, THOMAS,
WENTHE, WILLEMS, MUHLBAUER,
JACOBY, HUNTER, GAINES,
WITTNEBEN, T. TAYLOR, HALL,
SWAIM, RUNNING-MARQUARDT,
KOESTER, LOFGREN, and
WINCKLER

A BILL FOR

1 An Act establishing a centralized state school bus purchasing
2 program administered by the department of administrative
3 services.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5513HH (2) 84
je/nh



Iowa General Assembly
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H.F. 2235

1 Section 1. NEW SECTION. 8A.319 Centralized state school
2 bus purchasing program.

3 1. The department shall develop procedures and
4 specifications for the solicitation of bids for the purchase of
5 school buses, in consultation with the department of education,
6 the department of transportation, school districts, and
7 nonpublic schools. In soliciting bids, the department shall
8 conform to all applicable state and federal laws, rules, and
9 regulations regarding standards for school buses.

10 2. As a condition of participating in the state school bus
11 purchasing program, each bidder shall agree that if the bidder
12 subsequently offers a substantially similar bid to another
13 purchaser for a lower price, the bidder's contract price with
14 the state shall be automatically reduced to match the lower
15 price.

16 3. As a condition of participating in the state school
17 bus purchasing program, each bidder shall agree to include an
18 option for school districts to trade in school buses currently
19 in use.

20 4. The department may award a contract for purchase to
21 any bidder or bidders responsive to the needs of at least
22 one school district or nonpublic school participating in the
23 program.

24 5. Participation in the state school bus purchasing program
25 by school districts and nonpublic schools is voluntary. A
26 school district or nonpublic school may accept any bid for
27 which the department awards a contract for purchase. A school
28 district or nonpublic school participating in the program shall
29 conform to all applicable local, state, and federal laws,
30 rules, and regulations regarding standards for school buses.
31 A school district or nonpublic school may participate in the
32 program in lieu of following the procedures for the purchase of
33 school buses prescribed by chapter 285.

34 6. The department, in conjunction with the department of
35 education and the department of transportation, shall adopt

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je/nh

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H.F. 2235

1 rules to administer this section.

2 Sec. 2. Section 285.10, subsection 7, paragraph b, Code
 3 2011, is amended to read as follows:

4 b. By purchasing buses and entering into contracts to pay
 5 for such buses in accordance with section 8A.319 or over a
 6 five-year period as follows: one-fourth of the cost when the
 7 bus is delivered and the balance in equal annual installments,
 8 plus simple interest due. The interest rate shall be the
 9 lowest rate available and shall not exceed the rate in effect
 10 under section 74A.2. The bus shall serve as security for
 11 balance due. Competitive bids on comparable equipment shall be
 12 requested on all school bus purchases and shall be based upon
 13 minimum construction standards established by the department of
 14 education. Bids shall be requested unless the bus is a used or
 15 demonstrator bus.

16 EXPLANATION

17 This bill establishes a centralized state school bus
 18 purchasing program administered by the department of
 19 administrative services. The bill directs the department
 20 of administrative services to develop procedures and
 21 specifications for the solicitation of bids for the purchase
 22 of school buses, in consultation with the department of
 23 education, the department of transportation, school districts,
 24 and nonpublic schools. In soliciting bids, the department must
 25 conform to all applicable state and federal laws, rules, and
 26 regulations regarding standards for school buses.

27 The bill provides that as a condition of participating in
 28 the state school bus purchasing program, each bidder must agree
 29 that if the bidder subsequently offers a substantially similar
 30 bid to another purchaser for a lower price, the bidder's
 31 contract price with the state will be automatically reduced to
 32 match the lower price. The bill provides that as a condition
 33 of participating in the program, each bidder must also agree to
 34 include an option for school districts to trade in school buses
 35 currently in use.

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1 The bill provides that the department of administrative
2 services may award a contract for purchase to any bidder or
3 bidders responsive to the needs of at least one school district
4 or nonpublic school participating in the state school bus
5 purchasing program.

6 The bill provides that participation in the state school bus
7 purchasing program by school districts and nonpublic schools
8 is voluntary. The bill provides that a school district or
9 nonpublic school may accept any bid for which the department
10 of administrative services awards a contract for purchase.

11 The bill provides that a school district or nonpublic school
12 participating in the program must conform to all applicable
13 local, state, and federal laws, rules, and regulations
14 regarding standards for school buses. The bill specifies that
15 a school district or nonpublic school may participate in the
16 program in lieu of following the procedures for the purchase of
17 school buses prescribed by Code chapter 285.

18 The bill directs the department of administrative services,
19 in conjunction with the department of education and the
20 department of transportation, to adopt rules to administer the
21 bill.



Iowa General Assembly
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House File 2236 - Introduced

HOUSE FILE 2236
BY CHAMBERS

A BILL FOR

- 1 An Act relating to requirements for a commercial driver's
- 2 license for certain persons transitioning from military
- 3 service.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5904YH (3) 84
dea/nh



Iowa General Assembly
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H.F. 2236

1 Section 1. Section 321.188, Code Supplement 2011, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 6. a. The department may waive the
4 requirement that an applicant pass a driving skills test
5 specified in this section for an applicant who is on active
6 duty in the military service, or who has separated from such
7 service in the last ninety days, who certifies that during
8 the two-year period immediately preceding application for a
9 commercial driver's license, all of the following apply:

10 (1) The applicant has not had more than one driver's
11 license, other than a military license.

12 (2) The applicant has not had any driver's license
13 suspended, revoked, or canceled.

14 (3) The applicant has not been convicted of an offense
15 committed while operating any type of motor vehicle that is
16 listed as a disqualifying offense in 49 C.F.R. § 383.51(b).

17 (4) The applicant has not had more than one conviction for
18 an offense committed while operating any type of motor vehicle
19 that is listed as a serious traffic violation in 49 C.F.R. §
20 383.51(c).

21 (5) The applicant has not had a conviction for a violation
22 of a state or local law relating to motor vehicle traffic
23 control, other than a parking violation, arising in connection
24 with any traffic accident and has no record of a traffic
25 accident in which the applicant was at fault.

26 b. An applicant for a waiver of the driving skills test
27 under this subsection shall certify and provide evidence as
28 required by the department that the following apply:

29 (1) The applicant is regularly employed or was regularly
30 employed within the last ninety days in a military position
31 requiring operation of a commercial motor vehicle.

32 (2) The applicant was exempt from commercial driver
33 licensing requirements pursuant to section 321.176A, subsection
34 3, or a comparable law of another state.

35 (3) The applicant was operating a motor vehicle

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dea/nh

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H.F. 2236

1 is waived must still pass a knowledge skills test to receive
2 a commercial driver's license.



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House Joint Resolution 2002 - Introduced

HOUSE JOINT RESOLUTION 2002
BY HAGER and MOORE

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa establishing term limits for members of
3 the general assembly.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5779YH (1) 84
aw/sc



**Iowa General Assembly
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H.J.R. 2002

1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is proposed:

3 1. Section 3 of Article III of the Constitution of the State
4 of Iowa is repealed and the following adopted in lieu thereof:

5 **Representatives.** SEC. 3. The members of the house of
6 representatives shall be chosen every second year, by the
7 qualified electors of their respective districts, and their
8 term of office shall commence on the first day of January next
9 after their election, and continue two years, and until their
10 successors are elected and qualified. No person who has, or
11 but for resignation would have, served four consecutive terms
12 shall be elected as a representative for the succeeding term.
13 If a person is elected to serve a portion of a term to which
14 some other person was elected but that person died in office
15 or resigned from office or was otherwise removed from office,
16 those years served shall not be included in the consecutive
17 years of service for purposes of this limitation. This
18 limitation on consecutive years of service shall only apply to
19 terms of office beginning on or after January 1, 2017.

20 2. Section 5 of Article III of the Constitution of the State
21 of Iowa is repealed and the following adopted in lieu thereof:

22 **Senators — qualifications.** SEC. 5. Senators shall be
23 chosen for the term of four years, at the same time and place as
24 representatives; they shall be twenty-five years of age, and
25 possess the qualifications of representatives as to residence
26 and citizenship. No person who has, or but for resignation
27 would have, served two consecutive terms shall be elected as
28 a senator for the succeeding term. If a person is elected
29 to serve a portion of a term to which some other person was
30 elected but that person died in office or resigned from office
31 or was otherwise removed from office, those years served
32 shall not be included in the consecutive years of service for
33 purposes of this limitation. This limitation on consecutive
34 years of service shall only apply to terms of office beginning
35 on or after January 1, 2017.

LSB 5779YH (1) 84
aw/sc



Iowa General Assembly
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H.J.R. 2002

1 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
2 to the Constitution of the State of Iowa is referred to the
3 general assembly to be chosen at the next general election
4 for members of the general assembly, and the secretary of
5 state is directed to cause the same to be published for three
6 consecutive months previous to the date of that election as
7 provided by law.

8

EXPLANATION

9 This joint resolution proposes an amendment to the
10 Constitution of the State of Iowa relating to term of service
11 for persons elected to the offices of representative or senator
12 in the general assembly. The amendment provides that any
13 person elected as a representative shall be eligible to serve
14 four consecutive terms in that position, but shall not be
15 eligible to serve a fifth consecutive term. The amendment
16 provides that any person elected as a senator shall be eligible
17 to serve two consecutive terms in that position, but shall not
18 be eligible to serve a third consecutive term. The amendment
19 therefore limits the offices of representatives and senators
20 to eight consecutive years of service. The amendment provides
21 that filling a vacancy for a portion of a term shall not count
22 as consecutive years of service. The limitation on consecutive
23 years of service shall commence with terms of office beginning
24 on or after January 1, 2017.

25 The resolution, if adopted, would be referred to the next
26 general assembly for adoption before being submitted to the
27 electorate for ratification.



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House Study Bill 605 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ANDERSON)

A BILL FOR

- 1 An Act relating to the uniform residential landlord and tenant
- 2 Act and related forcible entry and detainer actions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5195YC (4) 84
ad/sc



**Iowa General Assembly
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H.F. _____

1 Section 1. Section 535.2, subsection 7, Code Supplement
2 2011, is amended to read as follows:

3 7. This section does not apply to a charge imposed for late
4 payment of rent. ~~However, in the case of a residential lease,~~
5 ~~a late payment fee shall not exceed ten dollars a day or forty~~
6 ~~dollars per month.~~

7 Sec. 2. Section 562A.4, Code 2011, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 3. The court may, in any action on a rental
10 agreement, award reasonable attorney fees to the prevailing
11 party.

12 Sec. 3. Section 562A.6, Code 2011, is amended by adding the
13 following new subsections:

14 NEW SUBSECTION. 7A. "Presumption" means that the trier of
15 fact must find the existence of the fact presumed unless and
16 until evidence is introduced which would support a finding of
17 its nonexistence.

18 NEW SUBSECTION. 11A. "Resident" means an occupant of a
19 dwelling unit who is at least eighteen years of age.

20 Sec. 4. Section 562A.6, subsection 9, Code 2011, is amended
21 to read as follows:

22 9. "Rent" means a payment to be made to the landlord under
23 the rental agreement, including late fees pursuant to section
24 562A.9, subsection 3A, and amounts due to the landlord under
25 other provisions of this chapter.

26 Sec. 5. Section 562A.8, Code 2011, is amended to read as
27 follows:

28 **562A.8 Notice Method of notice and service of process.**

29 1. A written notice of termination as required by section
30 562A.27, subsection 1, 2, or 5, a written notice of termination
31 as required by section 562A.34, subsection 1, 2, or 3, a
32 notice of termination and notice to quit as required by
33 section 562A.27A, or a notice to quit as required by section
34 648.3, shall be served upon the tenant by one of the following
35 methods:



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H.F. _____

1 a. Personal service pursuant to rule of civil procedure
2 1.305, Iowa court rules, for the personal service of original
3 notice.

4 b. Delivery evidenced by an acknowledgment of service
5 that is signed and dated by a resident of the dwelling unit.
6 Delivery under this paragraph of a single notice shall be
7 deemed to provide notice to all tenants and occupants of the
8 rental unit.

9 c. Posting the notice on or near a primary entrance door
10 of the subject premises and mailing by regular mail and by
11 certified mail as defined in section 618.15.

12 d. A method of providing notice that results in the notice
13 actually being received by the tenant.

14 ~~1. 2. Notices~~ All other notices required under this
15 ~~chapter, except those notices identified in section 562A.29A,~~
16 shall be served as follows:

17 a. A landlord shall serve notice on a tenant by one or more
18 of the following methods:

19 (1) Hand delivery to the tenant as evidenced by a written
20 confirmation of delivery signed and dated by the landlord.

21 (2) Delivery evidenced by an acknowledgment of delivery
22 service that is signed and dated by a resident of the dwelling
23 unit who is at least eighteen years of age. Delivery under
24 this subparagraph of a single notice shall be deemed to provide
25 notice to all tenants of the dwelling unit.

26 (3) Personal service pursuant to rule of civil procedure
27 1.305, Iowa court rules, for the personal service of original
28 notice.

29 (4) Mailing by both regular mail and certified mail, as
30 defined in section 618.15, to the address of the dwelling unit
31 or to an address provided by the tenant for mailing.

32 (5) Posting on the primary entrance door of the dwelling
33 unit. ~~A notice posted according to this subparagraph shall be~~
34 ~~posted within the applicable time period for serving notice and~~
35 ~~shall include the date the notice was posted.~~



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1 (6) A method of providing notice that results in the notice
2 actually being received by the tenant.

3 b. A tenant shall serve notice on a landlord by one or more
4 of the following methods:

5 (1) Hand delivery to the landlord or the landlord's agent
6 designated under section 562A.13 at the landlord's business
7 office, as evidenced by a written confirmation of delivery
8 signed and dated by the tenant.

9 (2) Delivery evidenced by an acknowledgment of delivery
10 that is signed and dated by the landlord or the landlord's
11 agent designated under section 562A.13.

12 (3) Personal service pursuant to rule of civil procedure
13 1.305, Iowa court rules, for the personal service of original
14 notice.

15 ~~(4) Delivery to an employee or agent of the landlord at the~~
16 ~~landlord's business office.~~

17 ~~(5)~~ (4) Mailing by both regular mail and certified mail,
18 as defined in section 618.15, to the address of the landlord's
19 business office or to an address designated by the landlord for
20 mailing.

21 ~~(6)~~ (5) A method of providing notice that results in the
22 notice actually being received by the landlord.

23 3. If service of notice includes posting, the notice shall
24 be posted within the same time period that is applicable
25 to other methods of giving notice under the circumstances.
26 The posted notice shall set forth, on its face, the date
27 of posting. An affidavit signed by the person posting and
28 notarized or certified under penalty of perjury pursuant
29 to section 622.1 shall be evidence of service of notice by
30 posting. Service of notice by posting is deemed completed one
31 day after the notice is posted.

32 ~~2.~~ 4. Notice served by mail ~~under this section~~ is deemed
33 completed ~~four~~ three days after the ~~notice is deposited in the~~
34 ~~mail and postmarked for delivery, whether or not the recipient~~
35 ~~signs a receipt for the notice~~ date of the postmark.

LSB 5195YC (4) 84
ad/sc



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1 5. In the case of service of a notice by multiple methods,
 2 the latest date of completed service shall control the
 3 computation of time.

4 Sec. 6. Section 562A.9, Code 2011, is amended by adding the
 5 following new subsection:

6 NEW SUBSECTION. 3A. A rental agreement shall not provide
 7 for a late fee that exceeds twenty dollars per day or eighty
 8 dollars per month.

9 Sec. 7. Section 562A.11, subsection 1, paragraph c, Code
 10 2011, is amended to read as follows:

11 c. Agrees to pay the other party's attorney fees, except
 12 that a written agreement may provide notification that attorney
 13 fees may be awarded to the prevailing party in the event of
 14 court action; or

15 Sec. 8. Section 562A.12, subsection 8, Code 2011, is amended
 16 by striking the subsection.

17 Sec. 9. Section 562A.27, subsection 3, Code 2011, is amended
 18 to read as follows:

19 3. Except as provided in this chapter, the landlord may
 20 recover damages and obtain injunctive relief for noncompliance
 21 by the tenant with the rental agreement or section 562A.17
 22 unless the tenant demonstrates affirmatively that the
 23 tenant has exercised due diligence and effort to remedy any
 24 noncompliance, and that the tenant's failure to remedy any
 25 noncompliance was due to circumstances beyond the tenant's
 26 control. ~~If the tenant's noncompliance is willful, the~~
 27 ~~landlord may recover reasonable attorney fees.~~

28 Sec. 10. Section 562A.30, Code 2011, is amended by striking
 29 the section and inserting in lieu thereof the following:

30 **562A.30 Waiver of landlord's right to terminate.**

31 Acceptance of performance by the tenant that varies from the
 32 terms of the rental agreement or rules subsequently adopted
 33 by the landlord shall not be a waiver of the landlord's right
 34 to terminate the rental agreement for that breach of the
 35 agreement. Failure by the landlord to promptly assert rights



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1 under this section shall not be a waiver of such rights or a
2 waiver of any existing or subsequent breach. Waiver of any
3 breach shall not constitute a waiver of any subsequent and
4 similar breach.

5 Sec. 11. Section 562A.32, Code 2011, is amended to read as
6 follows:

7 **562A.32 Remedy after termination.**

8 If the rental agreement is terminated by either party, the
9 landlord may have a claim for possession ~~and for rent~~ and a
10 separate claim for rent, actual damages for breach of the
11 rental agreement, and reasonable attorney fees ~~as provided in~~
12 ~~section 562A.27.~~

13 Sec. 12. Section 562A.36, subsection 2, Code 2011, is
14 amended to read as follows:

15 2. If the landlord acts in violation of subsection 1 of
16 this section, the tenant may recover from the landlord the
17 actual damages sustained by the tenant and reasonable attorney
18 fees, and has a defense in action against the landlord for
19 possession. In an action by or against the tenant, evidence
20 of a ~~good-faith~~ good-faith complaint within one year prior to
21 the alleged act of retaliation creates a presumption that the
22 landlord's conduct was in retaliation. The presumption does
23 not arise if the tenant made the complaint after notice of a
24 proposed rent increase or diminution of services. Evidence
25 by the landlord that legitimate costs and charges of owning,
26 maintaining or operating a dwelling unit have increased shall
27 be a defense against the presumption of retaliation when a
28 rent increase is commensurate with the increase in costs and
29 charges. ~~"Presumption" means that the trier of fact must find~~
30 ~~the existence of the fact presumed unless and until evidence is~~
31 ~~introduced which would support a finding of its nonexistence.~~

32 Sec. 13. Section 648.3, Code 2011, is amended to read as
33 follows:

34 **648.3 Notice to quit.**

35 1. Before action can be brought under any ground specified



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1 in section 648.1, except subsection 1, three days' notice to
2 quit must be given to the defendant in writing. However, a
3 landlord who has given a tenant three days' notice to pay rent
4 and has terminated the tenancy as provided in section 562A.27,
5 subsection 2, or section 562B.25, subsection 2, if the tenant
6 is renting the manufactured or mobile home or the land from the
7 landlord, may commence the action without giving a three-day
8 notice to quit.

9 2. A notice to quit required under subsection 1 shall
10 be served on the defendant according to one or more of the
11 following methods:

12 a. Delivery evidenced by an acknowledgment of ~~delivery~~
13 service that is signed and dated by a resident of the premises
14 who is at least eighteen years of age. Delivery under this
15 paragraph of a single notice shall be deemed to provide notice
16 ~~to the defendant~~ all tenants and occupants of the rental unit.

17 b. Personal service pursuant to rule of civil procedure
18 1.305, Iowa court rules, for the personal service of original
19 notice.

20 c. Posting the notice on the or near a primary entrance door
21 of the subject premises and mailing by both regular mail and
22 certified mail, as defined in section 618.15, ~~to the address~~
23 ~~of the premises or to the defendant's last known address,~~
24 ~~if different from the address of the premises.~~ A notice
25 ~~posted according to this paragraph shall be posted within the~~
26 ~~applicable time period for serving notice and shall include the~~
27 ~~date the notice was posted.~~

28 d. A method of providing notice that results in the notice
29 actually being received by the tenant.

30 2A. If service of notice includes posting, the notice
31 shall be posted within the same time period that is applicable
32 to other methods of giving notice under the circumstances.
33 The posted notice shall set forth, on its face, the date of
34 the posting. An affidavit signed by the person posting and
35 notarized or certified under penalty of perjury pursuant



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1 to section 622.1 shall be evidence of service of notice by
 2 posting. Service of notice by posting is deemed completed one
 3 day after the notice is posted.

4 ~~3. A notice to quit~~ Notice served by mail under ~~this~~
 5 ~~section~~ is deemed completed ~~four~~ three days after the notice
 6 ~~is deposited in the mail and postmarked for delivery, whether~~
 7 ~~or not the recipient signs a receipt for the notice~~ date of the
 8 postmark.

9 4. In the case of service of a notice by multiple methods,
 10 the latest date of completed service shall control the
 11 computation of time.

12 Sec. 14. Section 648.5, subsection 2, paragraphs a and c,
 13 Code 2011, are amended to read as follows:

14 a. Delivery evidenced by an acknowledgment of service that
 15 is signed and dated by a resident of the premises who is at
 16 least eighteen years of age. Delivery under this paragraph
 17 of a single notice shall be deemed to provide notice to all
 18 tenants or residents of the premises. Service of original
 19 notice under this paragraph is invalid if the acknowledgment of
 20 service is signed and dated less than three days prior to the
 21 hearing.

22 c. If service cannot be made following two attempts using
 23 a method specified under paragraph "a" or "b", by posting
 24 on or near the primary entrance door of the premises and
 25 mailing by both regular mail and certified mail, as defined
 26 in section 618.15, to the address of the premises or to the
 27 defendant's last known address, if different from the address
 28 of the premises. An original notice posted according to this
 29 paragraph shall be posted not less than three days prior to
 30 the hearing and shall include the date the original notice was
 31 posted. Service of original notice by mailing shall occur not
 32 less than three days prior to the hearing.

33 Sec. 15. Section 648.5, subsection 3, Code 2011, is amended
 34 to read as follows:

35 3. Service of original notice by mail is deemed completed



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1 ~~four~~ three days after the notice is ~~deposited in the mail and~~
2 postmarked for delivery, whether or not the recipient signs a
3 receipt for the original notice.

4 Sec. 16. Section 714H.4, subsection 1, Code 2011, is amended
5 by adding the following new paragraph:

6 NEW PARAGRAPH. 1. A rental agreement or other
7 landlord-tenant relationship as set forth in chapter 562A.

8 Sec. 17. REPEAL. Section 562A.29A, Code 2011, is repealed.

9 EXPLANATION

10 This bill makes changes to Code chapter 562A, the uniform
11 residential landlord and tenant Act, and related provisions in
12 Code chapter 648 (forcible entry and detainer).

13 The bill strikes language regarding maximum fees for late
14 payment of rent in Code section 535.2, and the substance of
15 the provision is transferred to Code section 562A.9, except
16 that the bill increases the maximum payment that may be imposed
17 for late payment of rent from \$10 a day or \$40 per month to an
18 amount not to exceed \$20 per day or \$80 per month.

19 The bill amends Code section 562A.6 regarding general
20 definitions for Code chapter 562A. The bill strikes language in
21 Code section 562A.36, concerning the meaning of "presumption",
22 and transfers the substance of the provision to Code section
23 562A.6. The bill defines "resident" as an occupant of a
24 dwelling unit who is at least 18 years of age. The bill amends
25 the definition of "rent" to state that rent also means a
26 payment to be made to the landlord pursuant to Code chapter
27 562A, including late fees as provided in Code section 562A.9.

28 The bill amends Code section 562A.8, regarding method
29 of notice and service of process, to transfer and modify
30 the provisions contained in Code section 562A.29A, which
31 is repealed by the bill. The bill also makes changes to
32 provisions regarding service of notice to a tenant when serving
33 a written notice of termination pursuant to Code section
34 562A.27, a notice of termination and notice to quit pursuant to
35 Code section 562A.27A, or a notice to quit as required by Code



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1 section 648.3. The bill provides that the delivery of a single
2 notice when the delivery is evidenced by an acknowledgment of
3 service that is signed and dated by a resident of the dwelling
4 unit is deemed to provide notice to all tenants of the dwelling
5 unit. The bill amends the service of notice provided by
6 posting to allow posting on or near the primary entrance door
7 rather than only on the primary entrance door. The bill adds
8 that a method of providing notice that results in the notice
9 actually being received by the tenant is a valid method of
10 notice.

11 The bill provides that a notice of termination pursuant to
12 Code section 562A.34, related to holdover tenancies, shall be
13 served in the same manner as notices of termination and notices
14 to quit. Specifically, the bill amends the notice provision
15 for termination pursuant to Code section 562A.34 to provide
16 that the delivery of a single notice when the delivery is
17 evidenced by an acknowledgment of service that is signed and
18 dated by a resident of the dwelling unit is deemed to provide
19 notice to all tenants of the dwelling unit. Under the bill,
20 service by posting allows the person posting to post on or near
21 the primary entrance door of the premises, but also requires
22 mailing the notice by regular and certified mail. The bill
23 does not allow notice by hand delivery or notice by mailing by
24 both regular and certified mail as valid methods of service of
25 notice of termination of a holdover tenancy.

26 The bill also amends the method of notice provided in Code
27 section 562A.8 for all other types of notice required under
28 the Code chapter. The bill requires hand delivery of a notice
29 to the tenant to be evidenced by a written confirmation of
30 delivery signed and dated by the landlord. The bill provides
31 that delivery of a single notice evidenced by an acknowledgment
32 of service, rather than an acknowledgment of delivery, that is
33 signed and dated by a resident of the dwelling unit is deemed
34 to provide notice to all tenants of the dwelling unit. The
35 bill requires hand delivery of a notice to the landlord or the



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1 landlord's agent to be delivered to the landlord's business
2 office, as evidenced by a written confirmation of delivery
3 signed and dated by the tenant. The bill strikes the provision
4 in current law that allows delivery to an employee or agent
5 of the landlord at the landlord's business office as a valid
6 method of service.

7 The bill provides that service of notice by posting is
8 complete one day after notice is posted. The bill decreases
9 the number of days from four to three before a notice served
10 by mail is deemed complete. The bill provides that when
11 using multiple methods of service, the latest date of service
12 controls the computation of time.

13 The bill amends Code section 562A.11 concerning prohibited
14 provisions in rental agreements by adding that the parties may
15 enter into a written agreement to provide notification that
16 attorney fees may be awarded to the prevailing party in the
17 event of court action.

18 The bill amends Code section 562A.12, relating to security
19 deposits, by striking a provision regarding an award of
20 reasonable attorney fees, but the substance of the provision is
21 transferred to Code section 562A.4, relating to administration
22 of remedies and their enforcement under Code chapter 562A,
23 generally. The bill makes corresponding amendments to
24 Code section 562A.27, regarding noncompliance with a rental
25 agreement, and Code section 562A.32, regarding remedies after
26 termination.

27 The bill strikes and rewrites Code section 562A.30,
28 relating to waiver of a landlord's right to terminate a
29 rental agreement, to provide that a landlord's acceptance of
30 a tenant's performance that varies from the rental agreement
31 or rules does not constitute a waiver of the landlord's right
32 to terminate the rental agreement for that breach. The bill
33 further states that the landlord's failure to promptly assert
34 rights is not a waiver of the landlord's rights or of any
35 existing or subsequent breach. The bill provides that a waiver



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1 of any breach does not constitute a waiver of any subsequent
2 breach.

3 The bill amends provisions in Code section 648.3, regarding
4 service of a notice to quit, to mirror the method of notice
5 provisions in Code section 562A.8, as amended by the bill.

6 The bill provides that an affidavit signed by the person
7 posting and notarized or certified under penalty of perjury
8 constitutes evidence of the service of notice. Service of
9 notice by posting is complete one day after notice is posted.
10 Notice served by certified mail is deemed completed three days
11 after date of postmark rather than four days after notice is
12 deposited and postmarked. The bill also provides that when
13 notice is served by multiple methods, the latest date of
14 service controls the computation of time.

15 The bill amends Code section 648.5 to provide that service by
16 mail of original notice of a forcible entry and detainer action
17 is deemed completed three days after the notice is postmarked
18 for delivery, rather than four days after the mail is deposited
19 and postmarked for delivery.

20 The bill amends Code section 714H.4 to provide that the
21 consumer fraud chapter regarding private actions does not apply
22 to a rental agreement or other landlord-tenant relationship
23 under Code chapter 562A.



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House Study Bill 606 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act relating to nonsubstantive Code corrections and
2 including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5517HC (12) 84
lh/rj



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1 Social Security Act.

2 Sec. 3. Section 10B.4, subsection 2, paragraph g, Code
3 Supplement 2011, is amended to read as follows:

4 g. If the reporting entity is a life science enterprise, as
5 provided in chapter 10C, Code 2011, as that chapter exists on
6 or before June 30, 2005, the total amount of commercial sale
7 of life science products and products other than life science
8 products which are produced from the agricultural land held by
9 the life science enterprise.

10 Sec. 4. Section 12.87, subsection 1, paragraph a, Code
11 Supplement 2011, is amended to read as follows:

12 a. The treasurer of state is authorized to issue and sell
13 bonds on behalf of the state to provide funds for certain
14 infrastructure projects and for purposes of the Iowa jobs
15 program established in section 16.194. The treasurer of state
16 shall have all of the powers which are necessary or convenient
17 to issue, sell, and secure bonds and carry out the treasurer of
18 state's duties, and exercise the treasurer of state's authority
19 under this section and sections 12.88 through 12.90. The
20 treasurer of state may issue and sell bonds in such amounts as
21 the treasurer of state determines to be necessary to provide
22 sufficient funds for certain infrastructure projects and the
23 revenue bonds capitals fund, the revenue bonds capitals II
24 fund, the payment of interest on the bonds, the establishment
25 of reserves to secure the bonds, the payment of costs of
26 issuance of the bonds, the payment of other expenditures of
27 the treasurer of state incident to and necessary or convenient
28 to carry out the issuance and sale of the bonds, and the
29 payment of all other expenditures of the treasurer of state
30 necessary or convenient to administer the funds and to carry
31 out the purposes for which the bonds are issued and sold. The
32 treasurer of state may issue and sell bonds as provided in
33 paragraph "b" in one or more series on the terms and conditions
34 the treasurer of state determines to be in the best interest of
35 the state, in accordance with this section in such amounts as



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1 utilize economic development data and research in order to make
2 objective, fact-based recommendations.

3 Sec. 7. Section 15.247, subsection 8, paragraphs c and d,
4 Code Supplement 2011, are amended to read as follows:

5 *c.* A person within the third degree of consanguinity of an
6 employee of the authority, a person within the third degree
7 of consanguinity of a member of the targeted small business
8 financial assistance board or member's relative, or a business
9 with any financial ties to a member shall not be eligible for
10 financial assistance under the program during the employee's
11 employment or the member's tenure on the board, as applicable.

12 *d.* Members shall serve ~~two-year~~ two-year terms and may be
13 reappointed. A member shall not serve more than two terms.

14 ~~*d.*~~ *e.* The targeted small business financial assistance
15 board shall consider all applications for financial assistance
16 under the program submitted on or after July 1, 2007.

17 Sec. 8. Section 15A.9, subsection 1, paragraph b, Code
18 Supplement 2011, is amended to read as follows:

19 *b.* (1) In order to assist a community or communities
20 located within the state to secure new industrial manufacturing
21 jobs, the state of Iowa makes economic development assistance
22 available within the zone or zones, and the department of
23 economic development shall designate a site or sites, which
24 shall not be larger than two thousand five hundred acres,
25 within thirty days of March 4, 1994, as a quality jobs
26 enterprise zone or zones for the purpose of attracting a
27 primary business and supporting businesses to locate facilities
28 within the state.

29 (2) The primary business or a supporting business shall not
30 be prohibited from participating in or receiving other economic
31 development programs or services or electing to utilize other
32 tax provisions to the extent authorized elsewhere by law.

33 Sec. 9. Section 34A.15, subsection 1, paragraphs c, e, and
34 h, Code Supplement 2011, are amended to read as follows:

35 *c.* One person appointed by the Iowa ~~association of chiefs of~~



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1 ~~police and~~ peace officers association.

2 e. One person appointed by the Iowa ~~association of~~
3 professional fire fighters.

4 h. One person appointed by the Iowa chapter of the
5 association of ~~public safety~~ public-safety communications
6 officials-international, inc.

7 Sec. 10. Section 80B.11A, Code 2011, is amended to read as
8 follows:

9 **80B.11A Jailer training standards.**

10 The director of the academy, subject to the approval of
11 the council, and in consultation with the Iowa department of
12 corrections, Iowa state sheriffs' and deputies' association,
13 and the Iowa ~~association of chiefs of police and~~ peace officers
14 association, shall adopt rules in accordance with this chapter
15 and chapter 17A establishing minimum standards for training of
16 jailers.

17 Sec. 11. Section 80B.11C, Code 2011, is amended to read as
18 follows:

19 **80B.11C Telecommunicator training standards.**

20 The director of the academy, subject to the approval of
21 the council, in consultation with the Iowa state sheriffs'
22 and deputies' association, the Iowa police executive forum,
23 the Iowa ~~association of chiefs of police and~~ peace officers
24 association, the Iowa state police association, the Iowa
25 ~~association of~~ professional fire fighters, the Iowa emergency
26 medical services association, the joint council of Iowa
27 fire service organizations, the Iowa department of public
28 safety, the Iowa chapter of the association of ~~public safety~~
29 public-safety communications officials-international, inc., the
30 Iowa chapter of the national emergency number association, the
31 homeland security and emergency management division of the Iowa
32 department of public defense, and the Iowa department of public
33 health, shall adopt rules pursuant to chapter 17A establishing
34 minimum standards for training of telecommunicators. For
35 purposes of this section, "telecommunicator" means a person who



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1 compensation fund shall be refunded, without interest and under
2 regulations prescribed by the department, to each employer
3 by whom contributions have been paid, proportionately to the
4 employer's pro rata share of the total contributions paid under
5 this chapter. Any interest or earnings of the fund shall be
6 available to the department to pay for the costs of making such
7 refunds. When the department shall have executed the duties
8 prescribed in this section and performed such other acts as are
9 incidental to the termination of its duties under this chapter,
10 the provisions of this chapter, in their entirety, shall cease
11 to be operative.

12 Sec. 15. Section 96.27, Code 2011, is amended to read as
13 follows:

14 **96.27 Approval of attorney general.**

15 An agreement made for the purchase or other acquisition of
16 the premises mentioned in section 96.25 ~~of this section~~ with
17 funds granted or credited to this state for such purpose under
18 the Social Security Act or the Wagner-Peyser Act shall be
19 subject to the approval of the attorney general of the state of
20 Iowa as to form and as to title thereto.

21 Sec. 16. Section 97C.5, Code 2011, is amended to read as
22 follows:

23 **97C.5 Tax on employees.**

24 Every employee whose services are covered by an agreement
25 entered into under section 97C.3 shall be required to pay
26 for the period of such coverage into the contribution fund
27 established by section 97C.12, a tax which is hereby imposed
28 with respect to wages received during the calendar year of
29 1953, equal to such percentum of the wages received by the
30 employee as imposed by Social Security Act, ~~Title~~ Tit. II,
31 as such Act has been and may from time to time be amended.
32 Such payment shall be considered a condition of employment
33 as a public employee. Taxes deducted from the wages of the
34 employee by the employer and taxes imposed upon the employer
35 shall be forwarded to the state agency for recording and shall



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1 be deposited with the treasurer of state to the credit of
2 the contribution fund established by section 97C.12 of this
3 chapter.

4 Sec. 17. Section 97C.10, Code 2011, is amended to read as
5 follows:

6 **97C.10 Tax on employer.**

7 In addition to all other taxes there is hereby imposed upon
8 each employer as defined in section 97C.2, subsection 2, a
9 tax equal to such percentum of the wages paid by the employer
10 to each employee as imposed by the Social Security Act, ~~Title~~
11 Tit. II, as such Act has been and may from time to time be
12 amended. The employer shall pay its tax or contribution from
13 funds available and is directed to pay same from tax money or
14 from any other income available. The political subdivision is
15 hereby authorized and directed to levy in addition to all other
16 taxes a property tax sufficient to meet its obligations under
17 the provisions of this chapter, if such tax levy is necessary
18 because other funds are not available.

19 Sec. 18. Section 97C.15, Code 2011, is amended to read as
20 follows:

21 **97C.15 Payments to secretary of treasury.**

22 From the contribution fund the custodian of the fund shall
23 pay to the secretary of the treasury of the United States such
24 amounts and at such time or times as may be directed by the
25 state agency in accordance with any agreement entered into
26 under section 97C.3 and the Social Security Act, ~~Title~~ Tit. II.

27 Sec. 19. Section 99D.11, subsections 2 and 3, Code
28 Supplement 2011, are amended to read as follows:

29 2. Licensees shall only permit the pari-mutuel or
30 certificate method of wagering, or the ~~advanced~~ advance deposit
31 method of wagering, as defined in this section.

32 3. The licensee may receive wagers of money only from a
33 person present in a licensed racetrack enclosure on a horse
34 or dog in the race selected by the person making the wager to
35 finish first in the race or from a person engaging in ~~advanced~~



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1 advance deposit wagering as defined in this section. The
2 person wagering shall acquire an interest in the total money
3 wagered on all horses or dogs in the race as first winners in
4 proportion to the amount of money wagered by the person.

5 Sec. 20. Section 99D.11, subsection 6, paragraph c, Code
6 Supplement 2011, is amended to read as follows:

7 c. (1) The commission shall authorize the licensee of the
8 horse racetrack located in Polk county to conduct ~~advanced~~
9 advance deposit wagering. An ~~advanced~~ advance deposit wager
10 may be placed in person at a licensed racetrack enclosure, or
11 from any other location via a telephone-type device or any
12 other electronic means. The commission may also issue an
13 ~~advanced~~ advance deposit wagering operator license to an entity
14 who complies with subparagraph (3) and section 99D.8A.

15 (2) For the purposes of this section, ~~"advanced deposit~~
16 ~~wagering"~~ "advance deposit wagering" means a method of
17 pari-mutuel wagering in which an individual may establish
18 an account, deposit money into the account, and use the
19 account balance to pay for pari-mutuel wagering. Of the net
20 revenue, less all taxes paid and expenses directly related to
21 account deposit wagering incurred by the licensee of the horse
22 racetrack located in Polk county, received through ~~advanced~~
23 advance deposit wagering, fifty percent shall be designated for
24 the horse purses created pursuant to section 99D.7, subsection
25 5, and fifty percent shall be designated for the licensee for
26 the pari-mutuel horse racetrack located in Polk county.

27 (3) Before granting an ~~advanced~~ advance deposit wagering
28 operator license to an entity other than the licensee of
29 the horse racetrack located in Polk county, the commission
30 shall enter into an agreement with the licensee of the
31 horse racetrack located in Polk county, the Iowa horsemen's
32 benevolent and protective association, and the prospective
33 ~~advanced~~ advance deposit wagering operator for the purpose
34 of determining the payment of statewide source market fees
35 and the host fees to be paid on all races subject to ~~advanced~~



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1 advance deposit wagering. The commission shall establish the
 2 term of such an ~~advanced~~ advance deposit wagering operator
 3 license. Such an ~~advanced~~ advance deposit wagering operator
 4 licensee shall accept wagers on live races conducted at the
 5 horse racetrack in Polk county from all of its account holders
 6 if it accepts wagers from any residents of this state.

7 (4) An unlicensed ~~advanced~~ advance deposit wagering
 8 operator or an individual taking or receiving wagers from
 9 residents of this state on races conducted at the horse
 10 racetrack located in Polk county is guilty of a class "D"
 11 felony.

12 (5) For the purposes of this paragraph "*c*", "~~advanced~~
 13 ~~deposit wagering operator~~" "advance deposit wagering operator"
 14 means an ~~advanced~~ advance deposit wagering operator licensed
 15 by the commission who has entered into an agreement with the
 16 licensee of the horse racetrack in Polk county and the Iowa
 17 horsemen's benevolent and protective association to provide
 18 ~~advanced~~ advance deposit wagering.

19 Sec. 21. Section 100B.1, subsection 1, paragraph a,
 20 subparagraph (1), subparagraph division (c), Code Supplement
 21 2011, is amended to read as follows:

22 (c) Two members from a list submitted by the Iowa
 23 ~~association of professional fire fighters.~~

24 Sec. 22. Section 105.2, subsection 8, Code Supplement 2011,
 25 is amended to read as follows:

26 8. "*Hydronic*" means a heating or cooling system that
 27 transfers heating or cooling by circulating fluid through
 28 a closed system, including boilers, pressure vessels,
 29 ~~refrigerated~~ refrigeration equipment in connection with chilled
 30 water systems, all steam piping, hot or chilled water piping
 31 together with all control devices and accessories, installed as
 32 part of, or in connection with, any heating or cooling system
 33 or appliance using a liquid, water, or steam as the heating
 34 or cooling media. "*Hydronic*" includes all low-pressure and
 35 high-pressure systems and all natural, propane, liquid propane,



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1 or other gas lines associated with any component of a hydronic
2 system.

3 Sec. 23. Section 124.401, subsection 4, paragraph e, Code
4 Supplement 2011, is amended to read as follows:

5 e. Red ~~phosphorous~~ phosphorus.

6 Sec. 24. Section 135.105, subsection 1, Code 2011, is
7 amended to read as follows:

8 1. Coordinate the childhood lead poisoning prevention
9 program with the department of natural resources, the
10 university of Iowa poison control program, the mobile and
11 regional child health ~~speciality~~ specialty clinics, and any
12 agency or program known for a direct interest in lead levels
13 in the environment.

14 Sec. 25. Section 135.159, subsection 2, paragraph a,
15 subparagraph (9), Code Supplement 2011, is amended to read as
16 follows:

17 (9) A representative of the ~~governor's~~ Iowa developmental
18 disabilities council.

19 Sec. 26. Section 161G.3, subsection 3, paragraph a, Code
20 2011, is amended to read as follows:

21 a. Provide for conservation systems that manage and optimize
22 nitrogen and ~~phosphorous~~ phosphorus within fields to minimize
23 runoff and reduce downstream nutrient loading.

24 Sec. 27. Section 162.20, subsection 5, paragraph c, Code
25 2011, is amended to read as follows:

26 c. The transfer of a dog or cat to a research facility as
27 defined in section 162.2 or a person licensed by the United
28 States department of agriculture as a class B dealer pursuant
29 to 9 C.F.R. ch. 1, subch. A, pt. 2. However, a class B dealer
30 who receives an unsterilized dog or cat from a pound or animal
31 shelter shall either sterilize the dog or cat or transfer the
32 unsterilized dog or cat to a research facility provided in this
33 paragraph. The class B dealer shall not transfer a dog to a
34 research facility if the dog is a greyhound registered with the
35 national greyhound association and the dog raced at a track



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1 associated with pari-mutuel racing unless the class B dealer
2 receives written approval of the transfer from a person who
3 owned an interest in the dog while the dog was racing.

4 Sec. 28. Section 225B.3, subsection 1, paragraphs b, c, and
5 d, Code 2011, are amended to read as follows:

6 *b.* Three providers of disability prevention services,
7 recommended by the ~~governor's~~ Iowa developmental disabilities
8 council, appointed by the governor, and confirmed by the
9 senate.

10 *c.* Three persons with expertise in priority prevention
11 areas, recommended by the ~~governor's~~ Iowa developmental
12 disabilities council, appointed by the governor, and confirmed
13 by the senate.

14 *d.* Three persons with disabilities or family members of a
15 person with disabilities, recommended by the ~~governor's~~ Iowa
16 developmental disabilities council, appointed by the governor
17 and confirmed by the senate.

18 Sec. 29. Section 225C.6, subsection 1, paragraph k, Code
19 Supplement 2011, is amended to read as follows:

20 *k.* Coordinate activities with the ~~governor's~~ Iowa
21 developmental disabilities council and the mental health
22 planning council, created pursuant to federal law. The
23 commission shall work with other state agencies on
24 coordinating, collaborating, and communicating concerning
25 activities involving persons with disabilities.

26 Sec. 30. Section 231E.4, subsection 3, paragraph e, Code
27 2011, is amended to read as follows:

28 *e.* Work with the department of human services, the Iowa
29 department of public health, the ~~governor's~~ Iowa developmental
30 disabilities council, and other agencies to establish a
31 referral system for the provision of substitute decision-making
32 services.

33 Sec. 31. Section 241.3, subsection 2, Code 2011, is amended
34 to read as follows:

35 2. The department shall consult and cooperate with the



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1 the preschool foundation aid payable to that school district
2 shall be paid from the appropriation made for that school year
3 in section 256C.6, Code 2011, or in another appropriation
4 made for purposes of this chapter. For that school year, the
5 preschool foundation aid payable to the school district is
6 the product of the regular program state cost per pupil for
7 the school year multiplied by sixty percent of the school
8 district's eligible student enrollment on the date in the
9 school year determined by rule.

10 Sec. 36. Section 260H.2, Code Supplement 2011, is amended
11 to read as follows:

12 **260H.2 Pathways for academic career and employment program.**

13 A pathways for academic career and employment program is
14 established to provide funding to community colleges for the
15 development of projects in coordination with the economic
16 development authority, the department of education, ~~Iowa the~~
17 department of workforce development, regional advisory boards
18 established pursuant to section 84A.4, and community partners
19 to implement a simplified, streamlined, and comprehensive
20 process, along with customized support services, to enable
21 eligible participants to acquire effective academic and
22 employment training to secure gainful, quality, in-state
23 employment.

24 Sec. 37. Section 260H.8, Code Supplement 2011, is amended
25 to read as follows:

26 **260H.8 Rules.**

27 The department of education, in consultation with the
28 community colleges, the economic development authority, and
29 ~~Iowa the department of~~ workforce development, shall adopt
30 rules pursuant to chapter 17A and this chapter to implement
31 the provisions of this chapter. Regional advisory boards
32 established pursuant to section 84A.4 shall be consulted in the
33 development and implementation of rules to be adopted pursuant
34 to this chapter.

35 Sec. 38. Section 273.2, subsection 3, Code Supplement 2011,



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1 is amended to read as follows:

2 3. The area education agency board shall furnish
3 educational services and programs as provided in sections
4 273.1, this section, sections 273.3 to 273.9, and chapter 256B
5 to the pupils enrolled in public or nonpublic schools located
6 within its boundaries which are on the list of accredited
7 schools pursuant to section 256.11. The programs and services
8 provided shall be at least commensurate with programs and
9 services existing on July 1, 1974. The programs and services
10 provided to pupils enrolled in nonpublic schools shall be
11 comparable to programs and services provided to pupils enrolled
12 in public schools within constitutional guidelines.

13 Sec. 39. Section 273.3, subsections 2 and 12, Code
14 Supplement 2011, are amended to read as follows:

15 2. Be authorized to receive and expend money for providing
16 programs and services as provided in sections 273.1, 273.2,
17 this section, sections 273.4 to 273.9, and chapters 256B
18 and 257. All costs incurred in providing the programs and
19 services, including administrative costs, shall be paid from
20 funds received pursuant to sections 273.1 to 273.9 and chapters
21 256B and 257.

22 12. Prepare an annual budget estimating income and
23 expenditures for programs and services as provided in sections
24 273.1, 273.2, this section, sections 273.4 to 273.9, and
25 chapter 256B within the limits of funds provided under section
26 256B.9 and chapter 257. The board shall give notice of a
27 public hearing on the proposed budget by publication in an
28 official county newspaper in each county in the territory
29 of the area education agency in which the principal place
30 of business of a school district that is a part of the area
31 education agency is located. The notice shall specify the
32 date, which shall be not later than March 1 of each year, the
33 time, and the location of the public hearing. The proposed
34 budget as approved by the board shall then be submitted to the
35 state board of education, on forms provided by the department,



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1 no later than March 15 preceding the next fiscal year for
2 approval. The state board shall review the proposed budget of
3 each area education agency and shall before April 1, either
4 grant approval or return the budget without approval with
5 comments of the state board included. An unapproved budget
6 shall be resubmitted to the state board for final approval not
7 later than April 15. For the fiscal year beginning July 1,
8 1999, and each succeeding fiscal year, the state board shall
9 give final approval only to budgets submitted by area education
10 agencies accredited by the state board or that have been given
11 conditional accreditation by the state board.

12 Sec. 40. Section 280.13C, subsection 3, Code Supplement
13 2011, is amended to read as follows:

14 3. ~~a.~~ A student who has been removed from participation
15 shall not recommence such participation until the student has
16 been evaluated by a licensed health care provider trained in
17 the evaluation and management of concussions and other brain
18 injuries and the student has received written clearance to
19 return to participation from the health care provider.

20 ~~b.~~ 4. For the purposes of this section, a ~~"licensed health~~
21 ~~care provider"~~:

22 a. "Extracurricular interscholastic activity" means any
23 extracurricular interscholastic activity, contest, or practice,
24 including sports, dance, or cheerleading.

25 b. "Licensed health care provider" means a physician,
26 physician assistant, chiropractor, advanced registered nurse
27 practitioner, nurse, physical therapist, or athletic trainer
28 licensed by a board designated under section 147.13.

29 ~~c.~~ For the purposes of this section, an ~~"extracurricular~~
30 ~~interscholastic activity" means any extracurricular~~
31 ~~interscholastic activity, contest, or practice, including~~
32 ~~sports, dance, or cheerleading.~~

33 Sec. 41. Section 313.3, subsection 1, paragraph d, Code
34 2011, is amended to read as follows:

35 d. All revenue accrued or accruing to the state of Iowa



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1 on or after January 26, 1949, from the sale of public lands
2 within the state, under Acts of Congress approved March 3,
3 1845, supplemental to the Act for the ~~admission~~ Admission of
4 the ~~states~~ States of Iowa and Florida into the Union, chapters
5 75 and 76 (~~Fifth Statutes, pages 788 and 790~~), 5 Stat. 788,
6 790, shall be placed in the primary road fund.

7 Sec. 42. Section 331.512, subsection 1, paragraph e, Code
8 2011, is amended to read as follows:

9 e. The levy for taxes for the ~~county~~ brucellosis and
10 tuberculosis eradication fund as provided in section 165.18.

11 Sec. 43. Section 331.559, subsection 2, Code 2011, is
12 amended to read as follows:

13 2. Collect the tax levied for the ~~county~~ brucellosis and
14 tuberculosis eradication fund as provided in section 165.18.

15 Sec. 44. Section 356.36, unnumbered paragraph 1, Code 2011,
16 is amended to read as follows:

17 The Iowa department of corrections, in consultation with
18 the Iowa state sheriff's association, the Iowa ~~association~~
19 ~~of chiefs of police and peace officers association~~, the
20 Iowa league of cities, and the Iowa board of supervisors
21 association, shall draw up minimum standards for the regulation
22 of jails, alternative jails, facilities established pursuant to
23 chapter 356A and municipal holding facilities. When completed
24 by the department, the standards shall be adopted as rules
25 pursuant to chapter 17A.

26 Sec. 45. Section 356.37, Code 2011, is amended to read as
27 follows:

28 **356.37 Confinement and detention report — design proposals.**

29 The division of criminal and juvenile justice planning
30 of the department of human rights, in consultation with
31 the department of corrections, the Iowa county attorneys
32 association, the Iowa state sheriff's association, the Iowa
33 ~~association of chiefs of police and peace officers association~~,
34 a statewide organization representing rural property taxpayers,
35 the Iowa league of cities, and the Iowa board of supervisors

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1 association, shall prepare a report analyzing the confinement
2 and detention needs of jails and facilities established
3 pursuant to this chapter and chapter 356A. The report for each
4 type of jail or facility shall include but is not limited to
5 an inventory of prisoner space, daily prisoner counts, options
6 for detention of prisoners with mental illness or substance
7 abuse service needs, and the compliance status under section
8 356.36 for each jail or facility. The report shall contain an
9 inventory of recent jail or facility construction projects in
10 which voters have approved the issuance of general obligation
11 bonds, essential county purpose bonds, revenue bonds, or
12 bonds issued pursuant to chapter 423B. The report shall be
13 revised periodically as directed by the administrator of the
14 division of criminal and juvenile justice planning. The first
15 submission of the report shall include recommendations on
16 offender data needed to estimate jail space needs in the next
17 two, three, and five years, on a county, geographic region, and
18 statewide basis, which may be based upon information submitted
19 pursuant to section 356.49.

20 Sec. 46. Section 403.21, subsection 3, Code Supplement
21 2011, is amended to read as follows:

22 3. The community college shall send a copy of the final
23 agreement prepared pursuant to section 260F.3 to the economic
24 development authority. For each year in which incremental
25 property taxes are used to retire debt service on a jobs
26 training advance issued for a project creating new jobs, the
27 community college shall provide to the economic development
28 authority a report of the incremental property taxes and new
29 jobs credits from withholding generated for that year, a
30 specific description of the training conducted, the number of
31 employees provided program services under the project, and the
32 median wage of employees in the new jobs in the project, and
33 the administrative costs directly attributable to the project.

34 Sec. 47. Section 410.1, unnumbered paragraph 5, Code 2011,
35 is amended to read as follows:

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1 The provisions of this chapter shall not apply to police
2 officers and fire fighters who entered employment after March
3 2, 1934, except that any police officer or fire fighter who
4 had been making payments of membership fees and assessments as
5 provided in section 410.5 prior to July 1, 1971, shall on July
6 1, 1973, be fully restored and entitled to all pension rights
7 and benefits, vested or not vested, under this chapter if the
8 city has not returned to such police officer or fire fighter
9 the membership fees and assessments paid by the police officer
10 or fire fighter prior to July 1, 1971, and if such police
11 officer or fire fighter pays to the city within six months
12 after July 1, 1973, the amount of the fees and assessments
13 that the police officer or fire fighter would have paid to the
14 police officers' or fire fighters' pension fund from July 1,
15 1971, to July 1, 1973, if ~~1971 Iowa Acts of the 1971 Session,~~
16 ~~Sixty-fourth General Assembly~~, ch. 108, had not been adopted.
17 If the membership fees and assessments paid by such police
18 officer or fire fighter prior to July 1, 1971, have been
19 returned to the police officer or fire fighter, all pension
20 rights and benefits, vested or not vested, under this chapter
21 shall be fully restored to the police officer or fire fighter
22 on July 1, 1973, if, within six months after July 1, 1973, such
23 police officer or fire fighter repays the fees and assessments
24 so returned and pays the amount of the fees and assessments to
25 the city that the police officer or fire fighter would have
26 paid to the appropriate pension fund from July 1, 1971, to
27 July 1, 1973, if ~~1971 Iowa Acts of the Sixty-fourth General~~
28 ~~Assembly, 1971 Session~~, ch. 108 had not been adopted.

29 Sec. 48. Section 411.36, subsection 1, paragraph a,
30 subparagraph (1), Code 2011, is amended to read as follows:

31 (1) Two fire fighters from different participating cities,
32 one of whom is an active member of the retirement system and
33 one of whom is a retired member. The fire fighters shall be
34 appointed by the governing body of the Iowa ~~association of~~
35 professional fire fighters.



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1 appearing in 44 ~~Statutes at Large~~ Stat., chapter ch. 27, as of
2 January 1, 2000, as amended.

3 Sec. 52. Section 452A.5, Code 2011, is amended to read as
4 follows:

5 **452A.5 Distribution allowance.**

6 1. A supplier shall retain a distribution allowance of not
7 more than one and six-tenths percent of all gallons of motor
8 fuel and a distribution allowance of not more than seven-tenths
9 percent of all gallons of undyed special fuel removed from
10 the terminal during the reporting period for purposes of tax
11 computation under section 452A.8.

12 2. The distribution allowance shall be prorated between the
13 supplier and the distributor or dealer as follows:

14 ~~1- a.~~ Motor fuel: four-tenths percent retained by the
15 supplier, one and two-tenths percent to the distributor.

16 ~~2- b.~~ Undyed special fuel: thirty-five hundredths percent
17 retained by the supplier, thirty-five hundredths percent to the
18 distributor or dealer purchasing directly from a supplier.

19 3. Gallons exported outside of the state shall not be
20 included in the calculation of the distribution.

21 Sec. 53. Section 452A.8, subsection 2, paragraph e, Code
22 2011, is amended to read as follows:

23 e. (1) The tax for compressed natural gas and liquefied
24 petroleum gas delivered by a licensed compressed natural gas
25 or liquefied petroleum gas dealer for use in this state shall
26 attach at the time of the delivery and shall be collected by
27 the dealer from the consumer and paid to the department as
28 provided in this chapter. The tax, with respect to compressed
29 natural gas and liquefied petroleum gas acquired by a consumer
30 in any manner other than by delivery by a licensed compressed
31 natural gas or liquefied petroleum gas dealer into a fuel
32 supply tank of a motor vehicle, attaches at the time of the use
33 of the fuel and shall be paid over to the department by the
34 consumer as provided in this chapter.

35 (2) The department shall adopt rules governing the



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1 dispensing of compressed natural gas and liquefied petroleum
 2 gas by licensed dealers and licensed users. The director may
 3 require by rule that reports and returns be filed by electronic
 4 transmission. For purposes of this paragraph *"e"*, *"dealer"*
 5 and *"user"* mean a licensed compressed natural gas or liquefied
 6 petroleum gas dealer or user and *"fuel"* means compressed natural
 7 gas or liquefied petroleum gas. The department shall require
 8 that all pumps located at dealer locations and user locations
 9 through which liquefied petroleum gas can be dispensed shall
 10 be metered, inspected, tested for accuracy, and sealed and
 11 licensed by the state department of agriculture and land
 12 stewardship, and that fuel delivered into the fuel supply
 13 tank of any motor vehicle shall be dispensed only through
 14 tested metered pumps and may be sold without temperature
 15 correction or corrected to a temperature of sixty degrees. If
 16 the metered gallonage is to be temperature-corrected, only a
 17 temperature-compensated meter shall be used. Natural gas used
 18 as fuel shall be delivered into compressing equipment through
 19 sealed meters certified for accuracy by the department of
 20 agriculture and land stewardship.

21 (3) (a) All gallonage which is not for highway use,
 22 dispensed through metered pumps as licensed under this section
 23 on which fuel tax is not collected, must be substantiated by
 24 exemption certificates as provided by the department or by
 25 valid exemption certificates provided by the dealers, signed by
 26 the purchaser, and retained by the dealer. A *"valid exemption
 27 certificate provided by a dealer"* is an exemption certificate
 28 which is in the form prescribed by the director to assist a
 29 dealer to properly account for fuel dispensed for which tax is
 30 not collected and which is complete and correct according to
 31 the requirements of the director.

32 (b) For the privilege of purchasing liquefied petroleum
 33 gas, dispensed through licensed metered pumps, on a basis
 34 exempt from the tax, the purchaser shall sign exemption
 35 certificates for the gallonage claimed which is not for highway



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1 use.

2 (c) The department shall disallow all sales of gallonage
3 which is not for highway use unless proof is established by the
4 certificate. Exemption certificates shall be retained by the
5 dealer for a period of three years.

6 ~~(1)~~ (4) (a) For the purpose of determining the amount
7 of liability for fuel tax, each dealer and each user shall
8 file with the department not later than the last day of the
9 month following the month in which this division becomes
10 effective and not later than the last day of each calendar
11 month thereafter a monthly tax return certified under penalties
12 for false certification. The return shall show, with reference
13 to each location at which fuel is delivered or placed by the
14 dealer or user into a fuel supply tank of any motor vehicle
15 during the next preceding calendar month, information as
16 required by the department.

17 ~~(2)~~ (b) The amount of tax due shall be computed by
18 multiplying the appropriate tax rate per gallon by the number
19 of gallons of fuel delivered or placed by the dealer or user
20 into supply tanks of motor vehicles.

21 ~~(3)~~ (c) The return shall be accompanied by remittance in
22 the amount of the tax due for the month in which the fuel was
23 placed into the supply tanks of motor vehicles.

24 Sec. 54. Section 453A.13, subsection 4, paragraph a,
25 unnumbered paragraph 1, Code Supplement 2011, is amended to
26 read as follows:

27 An unrevoked permit for which the holder has paid the full
28 annual fee may be surrendered during the first nine months of
29 said year to the officer issuing it, and the department, or the
30 city or county granting the permit shall make refunds to the
31 ~~said~~ holder as follows:

32 Sec. 55. Section 453A.13, subsection 4, paragraphs b and c,
33 Code Supplement 2011, are amended to read as follows:

34 **b.** An unrevoked permit for which the holder has paid
35 three-fourths of a full annual fee may be so surrendered during



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1 the first six months of the period covered by said payment and
2 the ~~said~~ department, city, or county shall make refunds to the
3 holder as follows:

4 (1) A sum equal to one-half of an annual fee if the
5 surrender is made during October, November, or December.

6 (2) A sum equal to one-fourth of an annual fee if the
7 surrender is made during January, February, or March.

8 c. An unrevoked permit for which the holder has paid
9 one-half of a full annual fee may be surrendered during the
10 first three months of the period covered by that payment, and
11 the department, city, or county shall refund to the holder a
12 sum equal to one-fourth of an annual fee.

13 Sec. 56. Section 455B.171, subsection 32, Code Supplement
14 2011, is amended to read as follows:

15 32. "Sewage sludge" means any solid, semisolid, or liquid
16 residue removed during the treatment of municipal waste water
17 or domestic sewage. "Sewage sludge" includes but is not limited
18 to solids removed during primary, secondary, or advanced waste
19 water treatment, scum septage, portable toilet pumpings, type
20 III marine device pumpings as defined in 33 C.F.R. ~~part~~ ch. 1,
21 subch. O, pt. 159, and sewage sludge products. "Sewage sludge"
22 does not include grit, screenings, or ash generated during the
23 incineration of sewage sludge.

24 Sec. 57. Section 455B.261, subsection 7, Code 2011, is
25 amended to read as follows:

26 7. "Established average minimum flow" means the average
27 minimum flow for a given watercourse at a given point
28 determined and established by the commission.

29 a. The "average minimum flow" for a given watercourse shall
30 be determined by the following factors:

31 ~~a-~~ (1) Average of minimum daily flows occurring during
32 the preceding years chosen by the commission as more nearly
33 representative of changing conditions and needs of a given
34 drainage area at a particular time.

35 ~~b-~~ (2) Minimum daily flows shown by experience to be the



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1 limit at which further withdrawals would be harmful to the
 2 public interest in any particular drainage area.
 3 ~~e.~~ (3) The minimum daily flows shown by established
 4 discharge records and experiences to be definitely harmful to
 5 the public interest.
 6 b. The determination shall be based upon available data,
 7 supplemented, when available data are incomplete, with whatever
 8 evidence is available.
 9 Sec. 58. Section 455B.423, subsection 2, paragraph a,
 10 subparagraph (6), Code Supplement 2011, is amended to read as
 11 follows:
 12 (6) Through agreements or contracts with other state
 13 agencies, to work with private industry to develop alternatives
 14 to land disposal of hazardous waste or hazardous substances
 15 including but not limited to resource recovery, recycling,
 16 neutralization, and reduction.
 17 Sec. 59. Section 455B.471, subsection 11, Code Supplement
 18 2011, is amended to read as follows:
 19 11. *a. "Underground storage tank" means one or a*
 20 *combination of tanks, including underground pipes connected*
 21 *to the tanks which are used to contain an accumulation of*
 22 *regulated substances and the volume of which, including the*
 23 *volume of the underground pipes, is ten percent or more beneath*
 24 *the surface of the ground.*
 25 *b. (1) "Underground storage tank" does not include:*
 26 ~~(1)~~ (a) Farm or residential tanks of one thousand one
 27 hundred gallons or less capacity used for storing motor fuel
 28 for noncommercial purposes.
 29 ~~(2)~~ (b) Tanks used for storing heating oil for consumptive
 30 use on the premises where stored.
 31 ~~(3)~~ (c) Residential septic tanks.
 32 ~~(4)~~ (d) Pipeline facilities regulated under the Natural
 33 Gas Pipeline Safety Act of 1968, as amended to January 1, 1985,
 34 codified at 49 U.S.C. § 1671 et seq., the Hazardous Liquid
 35 Pipeline Safety Act of 1979, as amended to January 1, 1985,

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1 codified at 49 U.S.C. § 2001 et seq., or an intrastate pipeline
2 facility regulated under chapter 479.

3 ~~(5)~~ (e) A surface impoundment, pit, pond, or lagoon.

4 ~~(6)~~ (f) A storm water or wastewater collection system.

5 ~~(7)~~ (g) A flow-through process tank.

6 ~~(8)~~ (h) A liquid trap or associated gathering lines
7 directly related to oil or gas production and gathering
8 operations.

9 ~~(9)~~ (i) A storage tank situated in an underground area
10 including but not limited to a basement, cellar, mineworking,
11 drift, shaft, or tunnel if the storage tank is situated upon or
12 above the surface of the floor.

13 ~~b-~~ (2) "Underground storage tank" does not include
14 pipes connected to a tank described in paragraph ~~"a"~~ "b",
15 ~~subparagraphs~~ subparagraph (1) through (9).

16 Sec. 60. Section 455B.474, subsection 1, paragraph a,
17 subparagraph (6), subparagraph division (g), Code Supplement
18 2011, is amended to read as follows:

19 (g) An owner or operator may elect to proceed with
20 additional corrective action on the site. However, any action
21 taken in addition to that required pursuant to this ~~paragraph~~
22 ~~"a"~~, subparagraph (6), shall be solely at the expense of the
23 owner or operator and shall not be considered corrective action
24 for purposes of section 455G.9, unless otherwise previously
25 agreed to by the board and the owner or operator pursuant to
26 section 455G.9, subsection 7. Corrective action taken by an
27 owner or operator due to the department's failure to meet the
28 time requirements provided in subparagraph division (e) shall
29 be considered corrective action for purposes of section 455G.9.

30 Sec. 61. Section 455B.474, subsection 1, paragraph a,
31 subparagraph (8), subparagraph division (c), Code Supplement
32 2011, is amended to read as follows:

33 (c) A certificate shall be recorded with the county
34 recorder. The owner or operator of a site who has been issued
35 a certificate under this ~~paragraph "a"~~, subparagraph (8), or



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1 a subsequent purchaser of the site shall not be required to
2 perform further corrective action because action standards are
3 changed at a later date. A certificate shall not prevent the
4 department from ordering corrective action of a new release.

5 Sec. 62. Section 455B.474, subsection 2, paragraph a,
6 subparagraph (2), Code Supplement 2011, is amended to read as
7 follows:

8 (2) A person who establishes financial responsibility
9 by self-insurance shall not require or shall not enforce an
10 indemnification agreement with an operator or owner of the tank
11 covered by the self-insurance obligation, unless the owner
12 or operator has committed a substantial breach of a contract
13 between the self-insurer and the owner or operator, and that
14 substantial breach relates directly to the operation of the
15 tank in an environmentally sound manner. This ~~paragraph~~
16 subparagraph applies to all contracts between a self-insurer
17 and an owner or operator entered into on or after May 5, 1989.

18 Sec. 63. Section 456A.33B, subsection 2, paragraph c,
19 subparagraph (4), unnumbered paragraph 1, Code Supplement 2011,
20 is amended to read as follows:

21 Delivery of ~~phosphorous~~ phosphorus and sediment from
22 the watershed will be controlled and in place before lake
23 restoration begins. Loads of ~~phosphorous~~ phosphorus and
24 sediment, in conjunction with in-lake management, will meet or
25 exceed the following water quality targets:

26 Sec. 64. Section 462A.52, subsection 3, Code 2011, is
27 amended to read as follows:

28 3. The commission shall submit a written report to the
29 general assembly by December 31, 2007, and by December 31 of
30 each year thereafter through December 31, 2013, summarizing the
31 activities of the department in administering and enforcing
32 programs to control aquatic invasive species and administering
33 and enforcing navigation laws and water safety upon the inland
34 waters of the state. The report shall include information
35 concerning the amount of revenues collected pursuant to this



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1 joint water utilities established pursuant to chapter 389,
2 rural water districts incorporated and organized pursuant
3 to chapters 357A and 504, cooperative water associations
4 incorporated and organized pursuant to chapter 499, or to
5 a person furnishing electricity to five or fewer customers
6 either by secondary line or from an alternate energy production
7 facility or small hydro facility, from electricity that is
8 produced primarily for the person's own use.

9 6. A telephone company otherwise exempt from rate
10 regulation and having telephone exchange facilities which cross
11 state lines may elect, in a writing filed with the board, to
12 have its rates regulated by the board. When a written election
13 has been filed with the board, the board shall assume rate
14 regulation jurisdiction over the company.

15 7. The jurisdiction of the board under this chapter
16 shall include efforts designed to promote the use of energy
17 efficiency strategies by rate or service-regulated gas and
18 electric utilities.

19 Sec. 68. Section 476.1D, subsection 1, paragraph c,
20 subparagraph (3), Code Supplement 2011, is amended to read as
21 follows:

22 (3) Effective July 1, 2008, the retail rate jurisdiction
23 of the board shall not be applicable to single line flat-rated
24 residential and business service rates unless the board during
25 the first six calendar months of 2008 extends its retail rate
26 jurisdiction over single line flat-rated residential and
27 business service rates provided by a previously rate-regulated
28 telephone utility. The board may extend its jurisdiction
29 pursuant to this ~~paragraph~~ subparagraph for not more than two
30 years and may do so only after the board finds that such action
31 is necessary for the public interest. The board shall provide
32 the general assembly with a copy of any order to extend its
33 jurisdiction and shall permit any telephone utility subject to
34 the extension to increase single line flat-rated residential
35 and business monthly service rates by an amount up to two



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1 2011, is amended to read as follows:

2 4. If the board does not recommend the amendment or
3 restatement to the members, then the amendment or restatement
4 must be adopted by the members by a vote of two-thirds of the
5 votes cast in which vote a majority of all votes are cast.

6 Sec. 74. Section 501.204, Code Supplement 2011, is amended
7 to read as follows:

8 **501.204 Bylaws.**

9 The board may adopt or amend the cooperative's bylaws by a
10 vote of three-fourths of the board. The members may adopt or
11 amend the cooperative's bylaws by a vote of three-fourths of
12 the votes cast in which vote a majority of all votes are cast.
13 A bylaw provision adopted by the members shall not be amended
14 or repealed by the directors.

15 Sec. 75. Section 501.601, subsection 2, paragraph b, Code
16 Supplement 2011, is amended to read as follows:

17 b. The members must approve the plan of conversion by ~~the~~ a
18 vote of two-thirds of the votes cast in which vote a majority
19 of all votes are cast.

20 Sec. 76. Section 501.603, subsection 2, Code Supplement
21 2011, is amended to read as follows:

22 2. A cooperative may sell, lease, exchange, or otherwise
23 dispose of all, or substantially all, of its property, with
24 or without the goodwill, on the terms and conditions and for
25 the consideration determined by the board, which consideration
26 may include the interests of another cooperative, if the board
27 recommends the proposed transaction to the members, and the
28 members approve it by ~~the~~ a vote of two-thirds of the votes
29 cast in which vote a majority of all votes are cast. The board
30 may condition its submission of the proposed transaction on any
31 basis.

32 Sec. 77. Section 501.614, subsection 2, Code Supplement
33 2011, is amended to read as follows:

34 2. At the meeting, a vote of the members who are entitled
35 to vote in the affairs of the association shall be taken on



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1 the proposed plan of merger or consolidation. The plan of
2 merger or consolidation shall be approved if two-thirds of
3 the members vote affirmatively ~~in which~~ and a majority of all
4 voting members participate in the voting.

5 Sec. 78. Section 509B.1, subsection 6, Code 2011, is amended
6 to read as follows:

7 6. "Medicare" means ~~Title~~ Tit. XVIII of the United States
8 Social Security Act.

9 Sec. 79. Section 513C.3, subsection 14, paragraph a, Code
10 2011, is amended to read as follows:

11 a. Loss of eligibility for medical assistance provided
12 pursuant to chapter 249A or Medicare coverage provided pursuant
13 to ~~Title~~ Tit. XVIII of the federal Social Security Act.

14 Sec. 80. Section 514G.103, subsection 16, paragraph a,
15 subparagraph (2), Code 2011, is amended to read as follows:

16 (2) The contract does not pay or reimburse expenses incurred
17 for services or items to the extent that the expenses are
18 reimbursable under ~~Title~~ Tit. XVIII of the federal Social
19 Security Act, as amended, or would be reimbursable but for
20 the application of a deductible or coinsurance amount. The
21 requirements of this subparagraph do not apply to expenses that
22 are reimbursable under ~~Title~~ Tit. XVIII of the federal Social
23 Security Act only as a secondary payor. A contract does not
24 fail to satisfy the requirements of this subparagraph because
25 payments are made on a per diem or other periodic basis without
26 regard to the expenses incurred during the period to which the
27 payments relate.

28 Sec. 81. Section 524.221, subsection 3, Code Supplement
29 2011, is amended to read as follows:

30 3. The provisions of this section, insofar as applicable,
31 shall apply to the records of a national bank or a federally
32 chartered savings bank or a federally ~~chartered~~ chartered savings
33 and loan association.

34 Sec. 82. Section 558.66, subsection 3, paragraph b,
35 subparagraph (2), Code Supplement 2011, is amended to read as



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1 follows:

2 (2) The name of the surviving joint tenant or owner of the
3 remainder interest, as applicable, in whose name the county
4 records should reflect ownership of title.

5 Sec. 83. Section 602.4201, subsection 3, paragraph h, Code
6 2011, as amended by 2011 Iowa Acts, chapter 121, section 60,
7 is amended to read as follows:

8 *h.* Involuntary commitment or treatment of persons with a
9 substance-related disorders.

10 Sec. 84. Section 634A.1, subsection 1, paragraph a, Code
11 2011, is amended to read as follows:

12 *a.* Is considered to be a person with a disability under the
13 disability criteria specified in Title Tit. II or Title Tit.
14 XVI of the federal Social Security Act.

15 Sec. 85. Section 714G.8, subsection 4, Code 2011, is amended
16 to read as follows:

17 4. Child support enforcement officials when investigating a
18 child support case pursuant to Title Tit. IV-D or Title Tit.
19 XIX of the federal Social Security Act.

20 Sec. 86. Section 717.5, subsection 3, paragraph a,
21 subparagraph (1), Code Supplement 2011, is amended to read as
22 follows:

23 (1) For livestock neglected under section 717.2, the
24 amount shall not be more than for expenses incurred by the
25 local authority in maintaining and disposing of the neglected
26 livestock rescued pursuant to section 717.2A, and reasonable
27 attorney fees and expenses related to the investigation of the
28 case. The remaining amount of a bond or other security posted
29 pursuant to subsection 1 shall be used to reimburse the local
30 authority.

DIVISION II

VOLUME V RENUMBERING

33 Sec. 87. Section 490.202, subsection 2, paragraph d, Code
34 2011, is amended to read as follows:

35 *d.* (1) A provision eliminating or limiting the liability



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1 ~~d-~~ (4) (a) The corporation, by action of its shareholders,
2 adopts an amendment to its articles of incorporation or bylaws
3 expressly electing not to be governed by this section, provided
4 that, in addition to any other vote required by law, such
5 amendment to the articles of incorporation or bylaws must be
6 approved by the affirmative vote of a majority of the shares
7 entitled to vote. An amendment adopted pursuant to this
8 ~~paragraph~~ subparagraph is effective immediately in the case of
9 a corporation that has never had a class of voting stock that
10 falls within any of the three categories set out in ~~paragraph~~
11 ~~"a"~~ subparagraph (1) and has not elected by a provision in its
12 original articles of incorporation or any amendment to such
13 articles to be governed by this section. In all other cases,
14 an amendment adopted pursuant to this ~~paragraph~~ subparagraph
15 is not effective until twelve months after the adoption of
16 the amendment and does not apply to any business combination
17 between the corporation and any person who became an interested
18 shareholder of the corporation on or prior to such adoption.
19 (b) An amendment to the bylaws adopted pursuant to this
20 ~~paragraph~~ subparagraph shall not be further amended by the
21 board of directors.
22 ~~e-~~ (5) A shareholder becomes an interested shareholder
23 inadvertently and both of the following apply:
24 ~~(1)~~ (a) As soon as practicable the shareholder divests
25 itself of ownership of sufficient shares so that the
26 shareholder ceases to be an interested shareholder.
27 ~~(2)~~ (b) The shareholder would not, at any time within the
28 three-year period immediately prior to a business combination
29 between the corporation and such shareholder, have been an
30 interested shareholder but for the inadvertent acquisition of
31 ownership.
32 ~~f-~~ ~~(1)~~ (6) (a) The business combination is proposed prior
33 to the consummation or abandonment of and subsequent to the
34 earlier of the public announcement or the notice required in
35 this ~~paragraph~~ subparagraph of a proposed transaction which



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1 satisfies all of the following:

2 ~~(a)~~ (i) Constitutes a transaction described in
3 ~~subparagraph (2)~~ subparagraph division (b).

4 ~~(b)~~ (ii) Is with or by a person who either was not an
5 interested shareholder during the previous three years or who
6 became an interested shareholder with the approval of the
7 corporation's board of directors or who became an interested
8 shareholder during the time period described in ~~paragraph "g"~~
9 subparagraph (7).

10 ~~(e)~~ (iii) Is approved or not opposed by a majority of
11 the members of the board of directors then in office who
12 were directors prior to any person becoming an interested
13 shareholder during the previous three years, or who were
14 recommended for election or elected to succeed such directors
15 by a majority of such directors.

16 ~~(2)~~ (b) A proposed transaction under subparagraph ~~(1)~~
17 division (a) is limited to the following:

18 ~~(a)~~ (i) A merger of the corporation, other than a merger
19 pursuant to section 490.1105.

20 ~~(b)~~ (ii) A sale, lease, exchange, mortgage, pledge,
21 transfer, or other disposition, in one or more transactions
22 and whether as part of a dissolution or otherwise, of assets
23 of the corporation or of any direct or indirect majority-owned
24 subsidiary of the corporation, other than to a direct or
25 indirect wholly owned subsidiary of the corporation or to
26 the corporation itself, which has an aggregate market value
27 equal to fifty percent or more of either the aggregate market
28 value of all of the assets of the corporation determined on a
29 consolidated basis, or the aggregate market value of all the
30 outstanding stock of the corporation.

31 ~~(e)~~ (iii) A proposed tender or exchange offer for fifty
32 percent or more of the outstanding voting stock of the
33 corporation.

34 ~~(3)~~ (c) The corporation shall give no less than twenty
35 days' notice to all interested shareholders prior to



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1 the consummation of any of the transactions described in
2 subparagraph ~~(2)~~ division (b), subparagraph ~~division (a) or (b)~~
3 subdivision (i) or (ii).

4 ~~g-~~ (7) The business combination is with an interested
5 shareholder who becomes an interested shareholder of the
6 corporation at a time when the corporation is not subject
7 to this section pursuant to ~~paragraph "a", "b", "c", or "d"~~
8 subparagraph (1), (2), (3), or (4).

9 b. Notwithstanding ~~paragraphs "a" through "d"~~
10 paragraph "a", subparagraphs (1) through (4), a corporation
11 may elect under its original articles of incorporation
12 or any amendment to such articles to be subject to this
13 section. However, such amendment shall not apply to restrict a
14 business combination between the corporation and an interested
15 shareholder of the corporation if the interested shareholder
16 became such prior to the effective date of the amendment.

17 Sec. 89. Section 490.1110, subsection 3, paragraph e, Code
18 2011, is amended to read as follows:

19 *e.* *"Interested shareholder"* means any person, other than
20 the corporation and any direct or indirect majority-owned
21 subsidiary of the corporation, that is the owner of ten percent
22 or more of the outstanding voting stock of the corporation, or
23 is an affiliate or associate of the corporation and was the
24 owner of ten percent or more of the outstanding voting stock
25 of the corporation at any time within the three-year period
26 immediately prior to the date on which it is sought to be
27 determined whether such person is an interested shareholder,
28 and the affiliates and associates of such person. *"Interested*
29 *shareholder"* does not include a person whose ownership of shares
30 in excess of the ten percent limitation is the result of action
31 taken solely by the corporation, provided that such person
32 is an interested shareholder if, after such action by the
33 corporation, the person acquires additional shares of voting
34 stock of the corporation, other than as a result of further
35 corporate action not caused, directly or indirectly, by such



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1 person. For purposes of determining whether a person is an
 2 interested shareholder, the outstanding voting stock of the
 3 corporation does not include any other unissued stock of the
 4 corporation which may be issuable pursuant to any agreement,
 5 arrangement, or understanding, or upon exercise of conversion
 6 rights, warrants, or options, or otherwise.

7 ~~For purposes of determining whether a person is an~~
 8 ~~interested shareholder, the outstanding voting stock of the~~
 9 ~~corporation does not include any other unissued stock of the~~
 10 ~~corporation which may be issuable pursuant to any agreement,~~
 11 ~~arrangement, or understanding, or upon exercise of conversion~~
 12 ~~rights, warrants, or options, or otherwise.~~

13 Sec. 90. Section 491.102, Code 2011, is amended to read as
 14 follows:

15 **491.102 Procedure for merger.**

16 1. Any two or more corporations whether heretofore or
 17 hereafter organized may merge into one of such corporations in
 18 the ~~following~~ manner; provided in this section.

19 2. The board of directors of each corporation shall, by
 20 resolution adopted by a majority vote of the members of each
 21 such board, approve a plan of mergers setting forth:

22 ~~1-~~ a. The names of the corporations proposing to merge, and
 23 the name of the corporation into which they propose to merge,
 24 which is hereinafter designated as the surviving corporation.

25 ~~2-~~ b. The terms and conditions of the proposed merger.

26 ~~3-~~ c. The manner and basis of converting the shares of
 27 each merging corporation into shares or other securities or
 28 obligations of the surviving corporation.

29 ~~4-~~ d. A statement of any changes in the articles of
 30 incorporation of the surviving corporation to be effected by
 31 such merger.

32 ~~5-~~ e. Such other provisions with respect to the proposed
 33 merger as are deemed necessary or desirable.

34 Sec. 91. Section 491.103, Code 2011, is amended to read as
 35 follows:



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1 **491.103 Procedure for consolidation.**
2 1. Any two or more corporations whether heretofore or
3 hereafter organized may consolidate into a new corporation in
4 the ~~following~~ manner: provided in this section.
5 2. The board of directors of each corporation, shall, by a
6 resolution adopted by a majority vote of the members of each
7 such board, approve a plan of consolidation setting forth:
8 ~~1- a.~~ The names of the corporations proposing to
9 consolidate, and the name of the new corporation into which
10 they propose to consolidate, which is hereinafter designated
11 as the new corporation.
12 ~~2- b.~~ The terms and conditions of the proposed
13 consolidation.
14 ~~3- c.~~ The manner and basis of converting the shares of each
15 corporation into shares, or other securities, or obligations
16 of the new corporation.
17 ~~4- d.~~ With respect to the new corporation, all of
18 the statements required to be set forth in articles of
19 incorporation for corporations organized under this chapter.
20 ~~5- e.~~ Such other provisions with respect to the proposed
21 consolidation as are deemed necessary or desirable.
22 Sec. 92. Section 499.48, Code 2011, is amended to read as
23 follows:
24 **499.48 Distribution in liquidation.**
25 1. On dissolution or liquidation, the assets of the
26 association shall be used to pay liquidation expenses first,
27 next the association's obligations other than patronage
28 dividends or patronage dividend certificates which it has
29 issued, and the remainder shall be distributed in the following
30 priority:
31 ~~1- a.~~ To pay to each person the full amount originally
32 paid by that person in cash for stock or other equity interest
33 in the association.
34 ~~2- b.~~ To pay to each person in proportion to the total of
35 each person's revolving fund, stock, or other equity interest



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1 in the association remaining after the payment under ~~subsection~~
2 ~~±~~ paragraph "a".

3 2. In applying ~~subsections~~ subsection 1 and 2, paragraphs
4 "a" and "b", all classes of stock, all revolving funds, and
5 all other equity interests in the association shall be treated
6 equally based on their stated values. However, an association
7 may establish its own method of distributing the assets
8 remaining, after paying liquidation expenses and obligations
9 other than patronage dividends or patronage dividend
10 certificates which it has issued, in articles of incorporation
11 adopted, amended, or restated after July 1, 1986.

12 Sec. 93. Section 499.62, Code 2011, is amended to read as
13 follows:

14 **499.62 Merger.**

15 1. Any two or more cooperative associations may merge into
16 one cooperative association in the ~~following~~ manner: provided
17 in this section.

18 2. The board of directors of each cooperative association
19 shall, by resolution adopted by a majority vote of all members
20 of each board, approve a plan of merger which shall set forth:

21 ~~±~~ a. The names of the cooperative associations proposing
22 to merge and the name of the surviving association.

23 ~~2.~~ b. The terms and conditions of the proposed merger.

24 ~~3.~~ c. A statement of any changes in the articles of
25 incorporation of the surviving association.

26 ~~4.~~ d. Other provisions deemed necessary or desirable.

27 Sec. 94. Section 499.63, Code 2011, is amended to read as
28 follows:

29 **499.63 Consolidation.**

30 1. Any two or more cooperative associations may be
31 consolidated into a new cooperative association in the
32 ~~following~~ manner: provided in this section.

33 2. The board of directors of each cooperative association
34 shall, by resolution adopted by a majority vote of all members
35 of each board, approve a plan of consolidation setting forth:



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1 to transact business in this state, and in every case it shall
2 file with the secretary of state of this state:

3 ~~a-~~ (1) An agreement that it may be served with process
4 in this state in any proceeding for the enforcement of any
5 obligation of any domestic cooperative association which is a
6 party to the merger or consolidation, and in any proceeding
7 for the enforcement of the rights of a dissenting shareholder
8 of any such domestic cooperative association, against the
9 surviving or new association.

10 ~~b-~~ (2) An irrevocable appointment of the secretary of state
11 of this state as its agent to accept service of process in any
12 proceeding.

13 ~~c-~~ (3) An agreement that it will promptly pay to the
14 dissenting shareholders of any domestic cooperative association
15 the amount to which they are entitled under the provisions of
16 this division with respect to the rights of dissenters.

17 2. The effect of such merger or consolidation shall be the
18 same as the effect of the merger or consolidation of domestic
19 cooperative associations, if the surviving or new association
20 is to be governed by the laws of this state. If the surviving
21 or new association is to be governed by the laws of any other
22 state, the effect of merger or consolidation shall be the same
23 as in the case of the merger or consolidation of domestic
24 cooperative associations, except as the laws of the other state
25 otherwise provide.

26 Sec. 97. Section 499A.22, subsections 1, 2, and 3, Code
27 2011, are amended to read as follows:

28 1. a. The cooperative has a lien on a member's interest in
29 the cooperative for all operating charges or other assessments
30 payable by the member pursuant to the member's proprietary
31 lease from the time the operating charge or other assessment
32 becomes due. If carrying charges and assessments are payable
33 in installments, the full amount of the charge or assessment is
34 a lien from the first time the first installment becomes due.
35 Upon nonpayment of a carrying charge or assessment, the member



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1 may be evicted from the member's apartment unit in the same
2 manner as provided by law in the case of an unlawful holdover
3 by a tenant and the lien may be foreclosed by judicial sale in
4 like manner as a mortgage on real estate, or may be foreclosed
5 by the power of sale provided in this section.

6 b. A lien under this section is prior to all other liens and
7 encumbrances on a member's cooperative interest except liens
8 and encumbrances on the cooperative's real property which the
9 cooperative creates, assumes, or takes subject to, and liens
10 for real estate taxes and other governmental assessments or
11 charges against the cooperative or the member's cooperative
12 interest.

13 2. The cooperative, upon a member's nonpayment of carrying
14 charges and assessments and the cooperative's compliance with
15 this section, may sell the defaulting member's cooperative
16 interest. Sale may be at a public sale or by private
17 negotiation, and at any time and place, but every aspect of
18 the sale, including the method, advertising, time, place, and
19 terms must be reasonable. The cooperative shall give to the
20 member and any sublessees of the member reasonable written
21 notice of the time and place of a public sale or, if a private
22 sale is intended, of the intention of entering into a contract
23 to sell and of the time after which a private disposition may
24 be made. The same notice shall also be sent to any other
25 person who has a recorded interest in the defaulting member's
26 cooperative interest which would be extinguished by the sale.
27 The notices required by this ~~paragraph~~ subsection may be sent
28 to any address reasonable under the circumstances. Sale may
29 not be held until five weeks after the sending of the notice.
30 The cooperative may buy at a public sale, and, if the sale is
31 conducted by a fiduciary or other person not related to the
32 cooperative, at a private sale.

33 3. a. The proceeds of a sale under the preceding ~~paragraph~~
34 subsection shall be applied in the following order:

35 ~~a.~~ (1) The reasonable expenses of sale.



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1 ~~b.~~ (2) The reasonable expenses of securing possession
2 before sale, and the reasonable expenses of holding,
3 maintaining, and preparing the cooperative interest for sale.
4 These expenses include, but are not limited to, the payment of
5 taxes and other governmental charges, premiums on liability
6 insurance, and to the extent provided for by agreement between
7 the cooperative and the member, reasonable attorney fees and
8 other legal expenses incurred by the cooperative.

9 ~~c.~~ (3) Satisfaction of the cooperative's lien.

10 ~~d.~~ (4) Satisfaction in the order of priority of any
11 subordinate claim of record.

12 ~~e.~~ (5) Remittance of any excess to the member.

13 b. Unless otherwise agreed, the member is liable for any
14 deficiency.

15 Sec. 98. Section 501.618, unnumbered paragraphs 1 and 2,
16 Code 2011, are amended to read as follows:

17 A merger or consolidation shall become effective upon the
18 date that the certificate of merger or the certificate of
19 consolidation is issued by the secretary of state, or the
20 effective date specified in the articles of merger or articles
21 of consolidation, whichever is later. When a merger or
22 consolidation has become effective:

23 ~~When a merger or consolidation has become effective:~~

24 Sec. 99. Section 501A.715, subsection 2, paragraph a,
25 subparagraph (2), subparagraph division (b), Code 2011, is
26 amended to read as follows:

27 (b) In the case of an act or omission occurring in the
28 official capacity described in subsection 1, paragraph
29 "a", subparagraph (3), the person reasonably believed that
30 the conduct was not opposed to the best interests of the
31 cooperative. If the person's acts or omissions complained of
32 in the proceeding relate to conduct as a director, officer,
33 trustee, employee, or agent of an employee benefit plan, the
34 conduct is not considered to be opposed to the best interests
35 of the cooperative if the person reasonably believed that



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1 the conduct was in the best interests of the participants or
2 beneficiaries of the employee benefit plan.

3 ~~If the person's acts or omissions complained of in the~~
4 ~~proceeding relate to conduct as a director, officer, trustee,~~
5 ~~employee, or agent of an employee benefit plan, the conduct~~
6 ~~is not considered to be opposed to the best interests of the~~
7 ~~cooperative if the person reasonably believed that the conduct~~
8 ~~was in the best interests of the participants or beneficiaries~~
9 ~~of the employee benefit plan.~~

10 Sec. 100. Section 502A.3, Code 2011, is amended to read as
11 follows:

12 **502A.3 Exempt person transactions.**

13 1. The prohibitions in section 502A.2 do not apply to a
14 transaction in which any of the following persons, or any
15 employee, officer, or director of a listed person acting solely
16 in that capacity, is the purchaser or seller:

17 ~~1-~~ a. A person registered with the commodity futures
18 trading commission as a futures commission merchant or as a
19 leverage transaction merchant whose activities require such
20 registration.

21 ~~2-~~ b. A person registered with the securities and exchange
22 commission as a broker-dealer whose activities require such
23 registration.

24 ~~3-~~ c. A person affiliated with, and whose obligations and
25 liabilities under the transaction are guaranteed by, a person
26 referred to in ~~subsection 1 or 2~~ paragraph "a" or "b".

27 ~~4-~~ d. A person who is a member of a contract market
28 designated by the commodity futures trading commission, or any
29 CFTC clearinghouse.

30 ~~5-~~ e. A financial institution.

31 ~~6-~~ f. A person registered under the laws of this state
32 as a securities broker-dealer whose activities require such
33 registration.

34 2. This exemption provided by this section does not apply
35 to any transaction or activity which is prohibited by the



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1 Commodity Exchange Act or CFTC rule.

2 Sec. 101. Section 507B.4, Code 2011, is amended to read as
3 follows:

4 **507B.4 Unfair methods of competition and unfair or deceptive
5 acts or practices defined.**

6 1. For purposes of subsection 3, paragraph "p", "insurer"
7 means an entity providing a plan of health insurance, health
8 care benefits, or health care services, or an entity subject
9 to the jurisdiction of the commissioner performing utilization
10 review, including an insurance company offering sickness and
11 accident plans, a health maintenance organization, an organized
12 delivery system authorized under 1993 Iowa Acts, ch. 158, and
13 licensed by the department of public health, a nonprofit health
14 service corporation, a plan established pursuant to chapter
15 509A for public employees, or any other entity providing a
16 plan of health insurance, health care benefits, or health care
17 services. However, "insurer" does not include an entity that
18 sells disability income or long-term care insurance.

19 2. For purposes of subsection 3, paragraphs "k", "l", and
20 "m", "personal lines property and casualty insurance" means
21 insurance sold to individuals and families primarily for
22 noncommercial purposes as provided in chapter 522B.

23 3. The following are hereby defined as unfair methods of
24 competition and unfair or deceptive acts or practices in the
25 business of insurance:

26 ~~1-~~ a. Misrepresentations and false advertising of insurance
27 policies. Making, issuing, circulating, or causing to be made,
28 issued or circulated, any estimate, illustration, circular,
29 statement, sales presentation, omission, or comparison which
30 does any of the following:

31 ~~a-~~ (1) Misrepresents the benefits, advantages, conditions,
32 or terms of any insurance policy.

33 ~~b-~~ (2) Misrepresents the dividends or share of the surplus
34 to be received on any insurance policy.

35 ~~c-~~ (3) Makes any false or misleading statements as to the



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1 dividends or share of surplus previously paid on any insurance
2 policy.

3 ~~d-~~ (4) Is misleading or is a misrepresentation as to the
4 financial condition of any person, or as to the legal reserve
5 system upon which any life insurer operates.

6 ~~e-~~ (5) Uses any name or title of any insurance policy or
7 class of insurance policies misrepresenting the true nature
8 thereof.

9 ~~f-~~ (6) Is a misrepresentation for the purpose of inducing
10 or tending to induce the lapse, forfeiture, exchange,
11 conversion, or surrender of any insurance policy.

12 ~~g-~~ (7) Is a misrepresentation for the purpose of effecting
13 a pledge or assignment of or effecting a loan against any
14 insurance policy.

15 ~~h-~~ (8) Misrepresents any insurance policy as being shares
16 of stock.

17 ~~i-~~ (9) Misrepresents any insurance policy to consumers
18 by using the terms "burial insurance", "funeral insurance",
19 "burial plan", or "funeral plan" in its names or titles, unless
20 the policy is made with a funeral provider as beneficiary who
21 specifies and fixes a price under contract with an insurance
22 company. This ~~paragraph~~ subparagraph does not prevent insurers
23 from stating or advertising that insurance benefits may provide
24 cash for funeral or burial expenses.

25 ~~j-~~ (10) Is a misrepresentation, including any intentional
26 misquote of premium rate, for the purpose of inducing or
27 tending to induce the purchase of an insurance policy.

28 ~~2-~~ b. *False information and advertising.*

29 ~~a-~~ (1) *Generally.* Making, publishing, disseminating,
30 circulating, or placing before the public, or causing, directly
31 or indirectly, to be made, published, disseminated, circulated,
32 or placed before the public in a newspaper, magazine, or other
33 publication, or in the form of a notice, circular, pamphlet,
34 letter, or poster, or over any radio or television station, or
35 in any other way, an advertisement, announcement, or statement



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1 containing any assertion, representation, or statement with
2 respect to the business of insurance or with respect to any
3 person in the conduct of the person's insurance business, which
4 is untrue, deceptive, or misleading.

5 ~~b.~~ (2) *False statement of assets.* In the case of a company
6 transacting the business of fire insurance within the state,
7 stating or representing by advertisement in any newspaper,
8 magazine, or periodical, or by any sign, circular, card, policy
9 of insurance, or renewal certificate thereof or otherwise, that
10 any funds or assets are in its possession and held available
11 for the protection of holders of its policies unless so held,
12 except the policy of insurance or certificate of renewal
13 thereof may state, as a single item, the amount of capital
14 set forth in the charter, or articles of incorporation, or
15 association, or deed of settlement under which it is authorized
16 to transact business.

17 ~~e.~~ (3) *Statement of capital and surplus.* In the case of a
18 foreign company transacting the business of casualty insurance
19 in the state, or an officer, producer, or representative of
20 such a company, issuing or publishing an advertisement, public
21 announcement, sign, circular, or card that purports to disclose
22 the company's financial standing and fails to exhibit: the
23 capital actually paid in cash, and the amount of net surplus
24 of assets over all the company's liabilities actually held
25 and available for the payment of losses by fire and for the
26 protection of holders of fire policies; and the amount of net
27 surplus of assets over all liabilities in the United States
28 actually available for the payment of losses by fire and held
29 in the United States for the protection of holders of fire
30 policies in the United States, including in such liabilities
31 the fund reserved for reinsurance of outstanding risks. The
32 amounts stated for capital and net surplus shall correspond
33 with the latest verified statement made by the company or
34 association to the commissioner of insurance.

35 ~~3.~~ c. *Defamation.* Making, publishing, disseminating,



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1 or circulating, directly or indirectly, or aiding, abetting
2 or encouraging the making, publishing, disseminating, or
3 circulating of any oral or written statement or any pamphlet,
4 circular, article or literature which is false, or maliciously
5 critical of or derogatory to the financial condition of any
6 person, and which is calculated to injure such person.

7 ~~4.~~ d. *Boycott, coercion and intimidation.* Entering into
8 any agreement to commit, or by any concerted action committing,
9 any act of boycott, coercion or intimidation resulting in or
10 tending to result in unreasonable restraint of, or monopoly in,
11 the business of insurance.

12 ~~5.~~ e. *False statements and entries.*

13 ~~a.~~ (1) Knowingly filing with any supervisory or
14 other public official, or knowingly making, publishing,
15 disseminating, circulating or delivering to any person, or
16 placing before the public, or knowingly causing directly or
17 indirectly, to be made, published, disseminated, circulated,
18 delivered to any person, or placed before the public, any false
19 material statement of fact as to the financial condition of a
20 person.

21 ~~b.~~ (2) Knowingly making any false entry of a material fact
22 in any book, report or statement of any person or knowingly
23 omitting to make a true entry of any material fact pertaining
24 to the business of such person in any book, report or statement
25 of such person.

26 ~~6.~~ f. *Stock operations and advisory board contracts.*

27 Issuing or delivering or permitting agents, officers or
28 employees to issue or deliver, agency company stock or other
29 capital stock, or benefit certificates or shares in any common
30 law corporation, or securities or any special or advisory board
31 contracts or other contracts of any kind promising returns and
32 profits as an inducement to insurance.

33 ~~7.~~ g. *Unfair discrimination.*

34 ~~a.~~ (1) Making or permitting any unfair discrimination
35 between individuals of the same class and equal expectation of



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1 life in the rates charged for any contract of life insurance or
2 of life annuity or in the dividends or other benefits payable
3 thereon, or in any other of the terms and conditions of such
4 contract.

5 ~~b.~~ (2) Making or permitting any unfair discrimination
6 between insureds of the same class for essentially the same
7 hazard in the amount of premium, policy fees, or rates charged
8 for any policy or contract of insurance other than life or in
9 the benefits payable thereunder, or in any of the terms or
10 conditions of such contract, or in any other manner whatever.

11 ~~e.~~ (3) Making or permitting any discrimination in the sale
12 of insurance solely on the basis of domestic abuse as defined
13 in section 236.2.

14 ~~g.~~ h. *Release or use of genetic information.* Failure of a
15 person to comply with section 729.6, subsection 4.

16 ~~9.~~ i. *Rebates.*

17 ~~a.~~ (1) Except as otherwise expressly provided by law,
18 knowingly permitting or offering to make or making any
19 contract of life insurance, life annuity or accident and health
20 insurance, or agreement as to such contract other than as
21 plainly expressed in the contract issued thereon, or paying
22 or allowing, or giving or offering to pay, allow, or give,
23 directly or indirectly, as inducement to such insurance, or
24 annuity, any rebate of premiums payable on the contract, or any
25 special favor or advantage in the dividends or other benefits
26 thereon, or any valuable consideration or inducement whatever
27 not specified in the contract; or giving, or selling, or
28 purchasing or offering to give, sell, or purchase as inducement
29 to such insurance or annuity or in connection therewith, any
30 stocks, bonds, or other securities of any insurance company
31 or other corporation, association, or partnership, or any
32 dividends or profits accrued thereon, or any thing of value
33 whatsoever not specified in the contract.

34 ~~b.~~ (2) Nothing in ~~subsection 7~~ paragraph "g" or paragraph
35 ~~"a"~~ subparagraph (1) of this ~~subsection~~ paragraph "i" shall be



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1 construed as including within the definition of discrimination
2 or rebates any of the following practices:

3 ~~(1)~~ (a) In the case of any contract of life insurance or
4 life annuity, paying bonuses to policyholders or otherwise
5 rebating their premiums in whole or in part out of surplus
6 accumulated from nonparticipating insurance, provided that
7 any such bonuses or rebatement of premiums shall be fair and
8 equitable to policyholders and for the best interests of the
9 company and its policyholders.

10 ~~(2)~~ (b) In the case of life insurance policies issued on
11 the industrial debit plan, making allowance to policyholders
12 who have continuously for a specified period made premium
13 payments directly to an office of the insurer in an amount
14 which fairly represents the saving in collection expenses.

15 ~~(3)~~ (c) Readjustment of the rate of premium for a group
16 insurance policy based on the loss or expense experienced
17 thereunder, at the end of the first or any subsequent policy
18 year of insurance thereunder, which may be made retroactive
19 only for such policy year.

20 ~~e-~~ (3) (a) Paying, allowing, or giving, or offering to
21 pay, allow, or give, directly or indirectly, as an inducement
22 to purchase or acquire insurance other than life insurance,
23 life annuity, or accident and health insurance, or after
24 insurance has been effected, any rebate, discount, abatement,
25 credit, or reduction of the premium named in a policy of
26 insurance, or any special favor or advantage in the dividends
27 or other benefits to accrue on the policy, or any valuable
28 consideration or inducement, not specified in the policy,
29 except to the extent provided for in an applicable filing.
30 An insured named in a policy, or an employee of the insured,
31 shall not knowingly receive or accept, directly or indirectly,
32 any rebate, discount, abatement, credit, or reduction of
33 premium, or any such special favor or advantage or valuable
34 consideration or inducement.

35 (b) This ~~paragraph~~ ~~c~~ subparagraph (3) shall not be



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1 construed to prohibit the payment of commissions or other
2 compensation to duly licensed producers, or to prohibit
3 any insurer from allowing or returning to its participating
4 policyholders, members, or subscribers, dividends, savings, or
5 unabsorbed premium deposits. As used in this paragraph ~~“e”~~
6 subparagraph (3), “insurance” includes suretyship and “policy”
7 includes bond.

8 ~~10-~~ j. *Unfair claim settlement practices.* Committing
9 or performing with such frequency as to indicate a general
10 business practice any of the following:

11 ~~a-~~ (1) Misrepresenting pertinent facts or insurance policy
12 provisions relating to coverages of issue.

13 ~~b-~~ (2) Failing to acknowledge and act reasonably promptly
14 upon communications with respect to claims arising under
15 insurance policies.

16 ~~c-~~ (3) Failing to adopt and implement reasonable standards
17 for the prompt investigation of claims arising under insurance
18 policies.

19 ~~d-~~ (4) Refusing to pay claims without conducting a
20 reasonable investigation based upon all available information.

21 ~~e-~~ (5) Failing to affirm or deny coverage of claims within
22 a reasonable time after proof of loss statements have been
23 completed.

24 ~~f-~~ (6) Not attempting in good faith to effectuate prompt,
25 fair, and equitable settlements of claims in which liability
26 has become reasonably clear, or failing to include interest on
27 the payment of claims when required under ~~subsection 16~~
28 paragraph “p” or section 511.38.

29 ~~g-~~ (7) Compelling insureds to institute litigation to
30 recover amounts due under an insurance policy by offering
31 substantially less than the amounts ultimately recovered in
32 actions brought by such insureds.

33 ~~h-~~ (8) Attempting to settle a claim for less than the
34 amount to which a reasonable person would have believed
35 the person was entitled by reference to written or printed



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1 advertising material accompanying or made part of an
 2 application.

3 ~~i-~~ (9) Attempting to settle claims on the basis of an
 4 application which was altered without notice to, or knowledge
 5 or consent of the insured.

6 ~~j-~~ (10) Making claims payments to insureds or beneficiaries
 7 not accompanied by a statement setting forth the coverage under
 8 which payments are being made.

9 ~~k-~~ (11) Making known to insureds or claimants a policy
 10 of appealing from arbitration awards in favor of insureds
 11 or claimants for the purpose of compelling them to accept
 12 settlements or compromises less than the amount awarded in
 13 arbitration.

14 ~~l-~~ (12) Delaying the investigation or payment of claims
 15 by requiring an insured, claimant, or the physician of either
 16 to submit a preliminary claim report and then requiring the
 17 subsequent submission of formal proof of loss forms, both of
 18 which submissions contain substantially the same information.

19 ~~m-~~ (13) Failing to promptly settle claims, where liability
 20 has become reasonably clear, under one portion of the insurance
 21 policy coverage in order to influence settlements under other
 22 portions of the insurance policy coverage.

23 ~~n-~~ (14) Failing to promptly provide a reasonable
 24 explanation of the basis in the insurance policy in relation
 25 to the facts or applicable law for denial of a claim or for the
 26 offer of a compromise settlement.

27 ~~o-~~ (15) Failing to comply with the procedures for auditing
 28 claims submitted by health care providers as set forth by rule
 29 of the commissioner. However, this ~~paragraph~~ subparagraph
 30 shall have no applicability to liability insurance, workers'
 31 compensation or similar insurance, automobile or homeowners'
 32 medical payment insurance, disability income, or long-term care
 33 insurance.

34 ~~h-~~ k. *Use of inquiries.* Considering either of the
 35 following events for purposes of surcharging, declining,



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1 nonrenewing, or canceling personal lines property and casualty
2 insurance coverage or a binder for personal lines property and
3 casualty insurance coverage:

4 ~~a-~~ (1) An applicant's or insured's inquiry into the type
5 or level of coverage of a policy, or an inquiry into whether a
6 policy will cover a loss.

7 ~~b-~~ (2) An insured's inquiry regarding coverage of a policy
8 for a loss if the insured does not file a claim.

9 ~~12-~~ l. *History of a property.* Declining to insure a
10 property not previously owned by an applicant for personal
11 lines property and casualty insurance, based solely on the loss
12 history of a previous owner of the property, unless the insurer
13 can provide evidence that the previous owner did not repair
14 damage to the property.

15 ~~13-~~ m. *Disclosure of use of claims history.* Failing
16 to inform an applicant at the time that an application for
17 personal lines property and casualty insurance is made, in
18 writing or in the same medium as the application is made, that
19 the insurer will consider the applicant's or insured's claims
20 history in determining whether to decline, cancel, nonrenew,
21 or surcharge such a policy, and that a claim made by an insured
22 will be reported to an insurance support organization.

23 ~~14-~~ n. *Misrepresentation in insurance applications.* Making
24 false or fraudulent statements or representations on or
25 relative to an application for an insurance policy, for the
26 purpose of obtaining a fee, commission, money, or other benefit
27 from any insurer, agent, broker, or individual.

28 ~~15-~~ o. *Omission from insurance application.* Failing to
29 designate on an insurance policy application the licensee who
30 has solicited and written the policy.

31 ~~16-~~ p. *Payment of interest.* Failure of an insurer to pay
32 interest at the rate of ten percent per annum on all health
33 insurance claims that the insurer fails to timely accept and
34 pay pursuant to section 507B.4A, subsection 2, paragraph "d".
35 Interest shall accrue commencing on the thirty-first day after



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1 nor shall a director or officer be pecuniarily interested,
2 either as principal, coprincipal, agent or beneficiary, either
3 directly or indirectly, or through a substantial interest in
4 another corporation or business unit, in the purchase, sale
5 or loan. However, a life insurance company, in connection
6 with the relocation of the place of employment of an employee
7 including relocation upon the initial employment of the
8 employee, may do either of the following:

9 ~~1-~~ a. Make a mortgage loan on real property owned by the
10 employee which is to serve as the employee's dwelling.

11 ~~2-~~ b. Acquire at not more than fair market value the
12 dwelling which the employee vacates upon relocation.

13 ~~As used in this section, "employee" includes but is not~~
14 ~~limited to the officers of a life insurance company.~~

15 Sec. 104. Section 508.36, subsection 3, paragraphs e and f,
16 Code 2011, are amended to read as follows:

17 e. (1) For total and permanent disability benefits in or
18 supplementary to ordinary policies or contracts, the following:

19 ~~(1)~~ (a) For policies or contracts issued on or after
20 January 1, 1966, the tables of period 2 disablement rates and
21 the 1930 to 1950 termination rates of the 1952 disability study
22 of the society of actuaries, with due regard to the type of
23 benefit, or any tables of disablement rates and termination
24 rates adopted after 1980 by the national association of
25 insurance commissioners and approved by rule adopted by the
26 commissioner for use in determining the minimum standard of
27 valuation for such policies.

28 ~~(2)~~ (b) For policies or contracts issued on or after
29 January 1, 1961, and prior to January 1, 1966, either of the
30 tables identified under subparagraph ~~(1)~~ division (a), or at
31 the option of the company, the class (3) disability table
32 (1926).

33 ~~(3)~~ (c) For policies issued prior to January 1, 1961, the
34 class (3) disability table (1926).

35 (2) A table used under this paragraph "e" shall, for



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1 active lives, be combined with a mortality table permitted for
2 calculating the reserves for life insurance policies.

3 *f.* (1) For accidental death benefits in or supplementary to
4 policies, the following:

5 ~~(1)~~ (a) For policies issued on or after January 1, 1966,
6 the 1959 accidental death benefits table, or any accidental
7 death benefits table adopted after 1980 by the national
8 association of insurance commissioners and approved by rule
9 adopted by the commissioner for use in determining the minimum
10 standard of valuation for such policies.

11 ~~(2)~~ (b) For policies issued on or after January 1, 1961,
12 and prior to January 1, 1966, either of the tables identified
13 under subparagraph ~~(1)~~ division (a), or at the option of the
14 company, the intercompany double indemnity mortality table.

15 ~~(3)~~ (c) For policies issued prior to January 1, 1961, the
16 intercompany double indemnity mortality table.

17 (2) A table used under this paragraph *f* shall be combined
18 with a mortality table for calculating the reserves for life
19 insurance policies.

20 Sec. 105. Section 508.37, subsection 5, paragraphs a and c,
21 Code 2011, are amended to read as follows:

22 *a.* (1) This subsection does not apply to policies issued
23 on or after the operative date of subsection 6 as defined
24 in paragraph *k* of that subsection. Except as provided in
25 paragraph *c*, the adjusted premiums for any policy shall
26 be calculated on an annual basis and shall be such uniform
27 percentage of the respective premiums specified in the policy
28 for each policy year, excluding any extra premiums charged
29 because of impairments or special hazards, that the present
30 value, at the date of issue of the policy, of all such adjusted
31 premiums is equal to the sum of the following:

32 ~~(1)~~ (a) The then present value of the future guaranteed
33 benefits provided for by the policy.

34 ~~(2)~~ (b) Two percent of the amount of the insurance, if the
35 insurance is uniform in amount, or of the equivalent uniform



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1 amount, as defined in paragraph "b", if the amount of insurance
 2 varies with duration of the policy.

3 ~~(3)~~ (c) Forty percent of the adjusted premium for the first
 4 policy year.

5 ~~(4)~~ (d) Twenty-five percent of either the adjusted premium
 6 for the first policy year or the adjusted premium for a whole
 7 life policy of the same uniform or equivalent uniform amount
 8 with uniform premiums for the whole of life issued at the same
 9 age for the same amount of insurance, whichever is less.

10 (2) However, in applying the percentages specified in
 11 ~~subparagraphs (3) and (4)~~ subparagraph divisions (c) and (d),
 12 no adjusted premium shall be deemed to exceed four percent of
 13 the amount of insurance or an equivalent uniform amount. The
 14 date of issue of a policy for the purpose of this subsection
 15 is the date as of which the rated age of the insured is
 16 determined.

17 *c.* The adjusted premiums for a policy providing term
 18 insurance benefits by rider or supplemental policy provision
 19 shall be equal to (1) the adjusted premiums for an otherwise
 20 similar policy issued at the same age without such term
 21 insurance benefits, increased during the period for which
 22 premiums for such term insurance benefits are payable, by (2)
 23 the adjusted premiums for such term insurance, the foregoing
 24 items (1) and (2) being calculated separately and as specified
 25 in paragraphs "a" and "b" of this subsection except that, for
 26 the purposes of ~~subparagraphs (2), (3), and (4)~~ of paragraph
 27 "a", subparagraph (1), subparagraph divisions (b), (c), and
 28 (d), the amount of insurance or equivalent uniform amount of
 29 insurance used in the calculation of the adjusted premiums
 30 referred to in item (2) in this paragraph shall be equal to the
 31 excess of the corresponding amount determined for the entire
 32 policy over the amount used in the calculation of the adjusted
 33 premiums in item (1) in this paragraph.

34 Sec. 106. Section 508.38, subsection 3, paragraphs a and b,
 35 Code 2011, are amended to read as follows:



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1 a. (1) The minimum nonforfeiture amount at any time at
2 or prior to the commencement of any annuity payments shall be
3 equal to an accumulation up to such time at rates of interest
4 as indicated in paragraph "b" of the net considerations (as
5 hereinafter defined) paid prior to such time, decreased by the
6 sum of all of the following:

7 ~~(1)~~ (a) Any prior withdrawals from or partial surrenders
8 of the contract accumulated at rates of interest as indicated
9 in paragraph "b".

10 ~~(2)~~ (b) An annual contract charge of fifty dollars,
11 accumulated at rates of interest as indicated in paragraph "b".

12 ~~(3)~~ (c) The amount of any indebtedness to the company on
13 the contract, including interest due and accrued.

14 (2) The net considerations for a given contract year
15 used to define the minimum nonforfeiture amount shall be an
16 amount equal to eighty-seven and one-half percent of the gross
17 considerations credited to the contract during the contract
18 year.

19 b. (1) The interest rate used in determining minimum
20 nonforfeiture amounts shall be an annual rate of interest
21 determined as the lesser of three percent per annum and all of
22 the following, which shall be specified in the contract if the
23 interest rate will be reset:

24 ~~(1)~~ (a) The five-year constant maturity treasury rate
25 reported by the federal reserve as of a date, or average over a
26 period, rounded to the nearest one-twentieth of one percent,
27 specified in the contract no longer than fifteen months prior
28 to the contract issue date or redetermination date under
29 subparagraph ~~(4)~~ division (d).

30 ~~(2)~~ (b) The result of subparagraph ~~(1)~~ division (a) shall
31 be reduced by one hundred twenty-five basis points.

32 ~~(3)~~ (c) The resulting interest guarantee shall not be less
33 than one percent.

34 ~~(4)~~ (d) The interest rate shall apply for an initial
35 period and may be redetermined for additional periods. The



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1 redetermination date, basis, and period, if any, shall be
2 stated in the contract. The basis is the date or average
3 over a specified period that produces the value of the
4 five-year constant maturity treasury rate to be used at each
5 redetermination date.

6 (2) During the period or term that a contract provides
7 substantive participation in an equity indexed benefit, it
8 may increase the reduction described in subparagraph ~~(2)~~
9 (1), subparagraph division (b), by up to an additional one
10 hundred basis points to reflect the value of the equity index
11 benefit. The present value at the contract issue date and
12 at each redetermination date thereafter of the additional
13 reduction shall not exceed the market value of the benefit.
14 The commissioner may require a demonstration that the present
15 value of the reduction does not exceed the market value of the
16 benefit. Lacking such a demonstration that is acceptable to
17 the commissioner, the commissioner may disallow or limit the
18 additional reduction.

19 (3) The commissioner may adopt rules to implement the
20 provisions of subparagraph ~~(4)~~ (1), subparagraph division (d),
21 and to provide for further adjustments to the calculation
22 of minimum nonforfeiture amounts for contracts that provide
23 substantive participation in an equity index benefit and for
24 other contracts that the commissioner determines adjustments
25 are justified.

26 Sec. 107. Section 508C.12, subsection 1, paragraph a, Code
27 Supplement 2011, is amended to read as follows:

28 a. (1) Notify the commissioners or insurance departments
29 of other states or territories of the United States and the
30 District of Columbia when any of the following actions against
31 a member insurer is taken:

- 32 ~~(1)~~ (a) A license is revoked.
- 33 ~~(2)~~ (b) A license is suspended.
- 34 ~~(3)~~ (c) A formal order is made that a company restrict its
35 premium writing, obtain additional contributions to surplus,



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1 withdraw from the state, reinsure all or any part of its
2 business, or increase capital, surplus, or any other account
3 for the security of policyholders or creditors.

4 (2) Notice shall be mailed to the commissioners or
5 departments within thirty days following the earlier of when
6 the action was taken or the date on which the action occurs.
7 This subparagraph does not supersede section 507C.9, subsection
8 5.

9 Sec. 108. Section 509.1, subsection 2, Code 2011, is amended
10 to read as follows:

11 2. a. A policy issued to any one of the following to be
12 considered the policyholder:

13 ~~a-~~ (1) An advisory, supervisory, or governing body or
14 bodies of a regularly organized religious denomination to
15 insure its clergy, priests, or ministers of the gospel.

16 ~~b-~~ (2) A teachers' association, to insure its members.

17 ~~c-~~ (3) A lawyers' association, to insure its members.

18 ~~d-~~ (4) A volunteer fire company, to insure all of its
19 members.

20 ~~e-~~ (5) A fraternal society or association, or any
21 subordinate lodge or branch thereof, to insure its members.

22 ~~f-~~ (6) A common principal of any group of persons similarly
23 engaged between whom there exists a contractual relationship,
24 to insure the members of such group.

25 ~~g-~~ (7) An association, the members of which are students,
26 teachers, administrators or officials of any elementary or
27 secondary school or of any college, to insure the members
28 thereof. For the purpose of this ~~paragraph~~ subparagraph, the
29 students, teachers, administrators or officials of or for any
30 such school or college shall constitute an association.

31 b. ~~Provided that the~~ The provisions and requirements
32 of subsection 1 ~~of this section~~ shall apply to ~~such the~~
33 policy and the policyholder and insured in ~~like the same~~
34 manner as ~~said~~ subsection 1 ~~of this section~~ applies to
35 employers and employees, except that if a policy is issued



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1 to a volunteer fire company or an association, the members
2 of which are students, teachers, administrators or officials
3 of any elementary or secondary school or of any college, the
4 requirement for twenty-five members shall not apply, and, if
5 issued to a teachers' association or lawyers' association, not
6 less than sixty-five percent of the members thereof may be
7 insured.

8 Sec. 109. Section 509A.15, subsections 1 and 4, Code 2011,
9 are amended to read as follows:

10 1. a. Within ninety days following the end of a fiscal
11 year, the governing body of a self-insurance plan of a
12 political subdivision or a school corporation shall file with
13 the commissioner of insurance a certificate of compliance,
14 actuarial opinion, and an annual financial report. The
15 filing shall be accompanied by a fee of one hundred dollars.
16 A penalty of fifteen dollars per day shall be assessed for
17 failure to comply with the ninety-day filing requirement,
18 except that the commissioner may waive the penalty upon a
19 showing that special circumstances exist which justify the
20 waiver. The certificate shall be signed and dated by the
21 appropriate public official representing the governing body,
22 and shall certify the following:

23 ~~a-~~ (1) That the plan meets the requirements of this chapter
24 and the applicable provisions of the Iowa administrative code.

25 ~~b-~~ (2) That an actuarial opinion has been attached to
26 the certificate which attests to the adequacy of reserves,
27 rates, and financial condition of the plan. ~~The actuarial~~
28 ~~opinion must include, but is not limited to, a brief commentary~~
29 ~~about the adequacy of the reserves, rates, and the financial~~
30 ~~condition of the plan, a test of the prior year claim reserve,~~
31 ~~a brief description of how the reserves were calculated,~~
32 ~~and whether or not the plan is able to cover all reasonably~~
33 ~~anticipated expenses. The actuarial opinion shall be prepared,~~
34 ~~signed, and dated by a person who is a member of the American~~
35 ~~academy of actuaries. If necessary, the actuary should assist~~



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1 ~~(1)~~ (a) All of the obligations and preferred stocks of
2 the issuing corporation, if any, prior to the preferred stock
3 acquired must be eligible as investments under this section as
4 of the date of acquisition; and

5 ~~(2)~~ (b) The net earnings available for fixed charges and
6 preferred dividends of the issuing corporation shall have
7 been, for each of the five fiscal years immediately preceding
8 the date of acquisition, not less than one and one-half times
9 the sum of the annual fixed charges and contingent interest,
10 if any, and the annual preferred dividend requirements as of
11 the date of acquisition; or at the date of acquisition the
12 preferred stock has investment qualities and characteristics
13 wherein speculative elements are not predominant.

14 (i) The term "*preferred dividend requirements*" shall mean
15 cumulative or noncumulative dividends whether paid or not.

16 (ii) The term "*fixed charges*" shall be construed in
17 accordance with subsection 5 ~~above~~.

18 (iii) The term "*net earnings available for fixed charges and*
19 *preferred dividends*" as used herein shall mean the net income
20 after deducting all operating and maintenance expenses, taxes,
21 including any income taxes, depreciation and depletion, but
22 nonrecurring items may be excluded.

23 ~~b.~~ (2) Guaranteed stocks.

24 ~~(1)~~ (a) All of the fixed interest-bearing obligations of
25 the guaranteeing corporation, if any, must be eligible under
26 this section as of the date of acquisition; and

27 ~~(2)~~ (b) The net earnings available for fixed charges
28 of the guaranteeing corporation shall meet the requirements
29 outlined in paragraph "a" of subsection 5 ~~above~~, except that all
30 guaranteed dividends shall be included in "*fixed charges*".

31 b. Any investments in preferred stocks or guaranteed
32 stocks made under the provisions of this subsection shall be
33 considered as moneys and credits for purposes of taxation
34 and their assessment shall be subject to deductions for
35 indebtedness as provided by law in the case of assessment



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1 companies.

2 *d.* In addition to the restrictions contained in paragraphs
3 "a" and "b", the investments of any company or association in
4 securities included under subsection 5, paragraph "c", are not
5 eligible in excess of two percent of the legal reserve, but not
6 more than one-eighth of one percent of the legal reserve shall
7 be invested in the securities of any one corporation.

8 13. *Collateral loans.* Loans secured by collateral
9 consisting of any securities qualified in this section,
10 provided the amount of the loan is not in excess of ninety
11 percent of the value of the securities. Provided further that
12 subsection 8 shall apply to the collateral securities pledged
13 to the payment of loans authorized in this subsection.

14 ~~Provided further that subsection 8 of this section shall~~
15 ~~apply to the collateral securities pledged to the payment of~~
16 ~~loans authorized in this subsection.~~

17 15. *Railroad obligations.*

18 *a.* Bonds or other evidences of indebtedness which carry a
19 fixed rate of interest and are issued, assumed or guaranteed
20 by any railroad company incorporated under the laws of the
21 United States of America, or of any state, district, insular
22 or territorial possessions thereof, not in reorganization or
23 receivership at the time of such investment, provided that the
24 railroad company:

25 ~~a-~~ (1) Shall have had for the three-year period immediately
26 preceding investment, for which the necessary data for the
27 railroad company shall have been published, a balance of income
28 available for fixed charges which shall have averaged per year
29 not less than one and one-quarter times the fixed charges for
30 the latest year of the period; and

31 ~~b-~~ (2) Shall have had for the three-year period immediately
32 preceding investment, for which the necessary data for both
33 the railroad company and all class I railroads shall have been
34 published:

35 ~~(1)~~ (a) A balance of income available for the payment of



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1 qualification contained in subsections 5 and 8 ~~of this section.~~
 2 Provisions for qualification contained in this section shall
 3 not be construed as applying to equipment trust obligations,
 4 guaranteed stocks, or contingent interest bonds of railroad
 5 companies. Investments made in accordance with the provisions
 6 of this subsection shall not be eligible in excess of ten
 7 percent of the legal reserve.

8 17. *Rules of valuation.*

9 a. (1) All bonds or other evidences of debt having a fixed
 10 term and rate of interest, if amply secured and not in default
 11 as to principal or interest, may be valued as follows:

12 ~~(1)~~ (a) If purchased at par, at the par value.

13 ~~(2)~~ (b) If purchased above or below par, on the basis of
 14 the purchase price adjusted so as to bring the value to par at
 15 maturity and so as to yield in the meantime the effective rate
 16 of interest at which the purchase was made.

17 (2) In applying the ~~above~~ rule contained in subparagraph
 18 (1), the purchase price shall in no case be taken at a higher
 19 figure than the actual market value at the time of purchase.

20 b. Certificates of sale obtained by foreclosure of liens on
 21 real estate shall be valued in an amount not greater than the
 22 unpaid principal of the defaulted indebtedness plus any amounts
 23 actually expended for taxes and acquisition costs.

24 c. (1) All investments, except those for which a specific
 25 rule is provided in this subsection, shall be valued at
 26 their market value, or at their appraised value, or at prices
 27 determined by the commissioner of insurance as representing
 28 their fair market value, or at a value as determined under
 29 rules adopted by the national association of insurance
 30 commissioners.

31 (2) The commissioner of insurance shall have full
 32 discretion in determining the method of calculating values
 33 according to the foregoing rules, but no company or association
 34 shall be prevented from valuing any asset at an amount less
 35 than that provided by this subsection.



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1 19. *Other foreign government or corporate obligations.* Bonds
2 or other evidences of indebtedness, not to include currency,
3 issued, assumed, or guaranteed by a foreign government other
4 than Canada, or by a corporation incorporated under the laws
5 of a foreign government other than Canada. Such governmental
6 obligations must be valid, legally authorized and issued,
7 and on the date of acquisition have predominantly investment
8 qualities and characteristics as provided by rule. Such
9 corporate obligations must meet the qualifications established
10 in subsection 5 for bonds and other evidences of indebtedness
11 issued, assumed, or guaranteed by a corporation incorporated
12 under the laws of the United States or Canada. Foreign
13 investments authorized by this subsection are not eligible
14 in excess of twenty percent of the legal reserve of the life
15 insurance company or association. Investments in obligations
16 of a foreign government, other than Canada and the United
17 Kingdom, are not eligible in excess of two percent of the
18 legal reserve in the securities of foreign governments of any
19 one foreign nation. Investments in obligations of the United
20 Kingdom are not eligible in excess of four percent of the legal
21 reserve. Investments in a corporation incorporated under the
22 laws of a foreign government other than Canada are not eligible
23 in excess of two percent of the legal reserve in the securities
24 of any one foreign corporation.

25 a. Eligible investments in foreign obligations under this
26 subsection are limited to the types of obligations specifically
27 referred to in this subsection. This subsection in no way
28 limits or restricts investments in Canadian obligations and
29 securities specifically authorized in other subsections of this
30 section.

31 b. This subsection shall not authorize investment in
32 evidences of indebtedness issued, assumed, or guaranteed by a
33 foreign government which engages in a consistent pattern of
34 gross violations of human rights.

35 20. *Venture capital funds.*



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1 a. Shares or equity interests in venture capital funds which
2 agree to invest an amount equal to at least fifty percent of
3 the funds in small businesses having their principal offices
4 within this state and having either more than one half of
5 their assets within this state or more than one half of their
6 employees employed within this state. A company shall not
7 invest more than five percent of its legal reserve under this
8 subsection.

9 b. For purposes of this subsection, "*venture capital*
10 *fund*" means a corporation, partnership, proprietorship, or
11 other entity formed under the laws of the United States, or
12 a state, district, or territory of the United States, whose
13 principal business is or will be the making of investments in,
14 and the provision of significant managerial assistance to,
15 small businesses which meet the small business administration
16 definition of small business. "*Equity interests*" means limited
17 partnership interests and other equity interests in which
18 liability is limited to the amount of the investment, but does
19 not mean general partnership interests or other interests
20 involving general liability. "*Venture capital fund*" includes an
21 equity interest in the Iowa fund of funds as defined in section
22 15E.62.

23 ~~"*Venture capital fund*" includes an equity interest in the~~
24 ~~Iowa fund of funds as defined in section 15E.62.~~

25 Sec. 112. Section 512B.6, subsection 1, Code 2011, is
26 amended to read as follows:

27 1. a. A society shall operate for the benefit of members
28 and their beneficiaries by fulfilling both of the following
29 purposes:

30 ~~a.~~ (1) Providing benefits as specified in section 512B.16.

31 ~~b.~~ (2) Operating for one or more social, intellectual,
32 educational, charitable, benevolent, moral, fraternal,
33 patriotic, or religious purposes for the benefit of its
34 members, which may also be extended to others.

35 b. The purposes listed in this subsection may be carried



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1 out directly by the society, or indirectly through subsidiary
2 corporations or affiliated organizations.

3 Sec. 113. Section 512B.19, subsection 4, Code 2011, is
4 amended to read as follows:

5 4. a. A society shall provide in its laws that if its
6 reserves as to all or any class of certificates become
7 impaired, its supreme governing body or board of directors may
8 require that there be paid by the owners to the society the
9 amount of the owners' equitable proportion of the deficiency
10 as ascertained by its governing body or board, and that if the
11 payment is not made either of the following will apply:

12 ~~a.~~ (1) The required payment or assessment shall stand as
13 an indebtedness against the certificate and draw interest not
14 to exceed the rate specified for certificate loans under the
15 certificates.

16 ~~b.~~ (2) In lieu of or in combination with ~~paragraph~~
17 ~~"a"~~ subparagraph (1), the owner may accept a proportionate
18 reduction in benefits under the certificate.

19 b. The society may specify the manner of the election and
20 which alternative is to be presumed if no election is made.

21 Sec. 114. Section 512B.23, subsection 2, Code 2011, is
22 amended to read as follows:

23 2. a. The minimum standards of valuation for certificates
24 issued on or after January 1, 1991, shall be based on the
25 following tables:

26 ~~a.~~ (1) For certificates of life insurance, the
27 commissioner's 1980 standard ordinary mortality table or any
28 more recent table made applicable to life insurers.

29 ~~b.~~ (2) For annuity and pure endowment certificates, for
30 total and permanent disability benefits, for accidental death
31 benefits and for noncancelable accident and health benefits,
32 the tables authorized for use by life insurers in this state.

33 b. ~~Paragraphs "a" and "b"~~ Paragraph "a", subparagraphs (1)
34 and (2) are under valuation methods and standards, including
35 interest assumptions, in accordance with the laws of this state



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1 applicable to life insurers issuing policies containing like
2 benefits.

3 Sec. 115. Section 514A.1, Code 2011, is amended to read as
4 follows:

5 **514A.1 Definition of accident and sickness insurance policy.**

6 1. ~~"Policy of accident and sickness insurance" as used in~~
7 ~~this chapter~~ As used in this chapter, "policy of accident and
8 sickness insurance" includes a policy or contract covering
9 insurance against loss resulting from sickness, or from bodily
10 injury or death by accident, or both. For the purposes of this
11 chapter the words "policy of accident and sickness insurance"
12 are interchangeable without deviation of meaning with the words
13 "policy of accident and health insurance" or the words ~~"policy~~
14 ~~of accident or health insurance."~~ "policy of accident or health
15 insurance".

16 2. This chapter applies to all individual policies of such
17 accident and sickness insurance written by Iowa or non-Iowa
18 companies or associations duly licensed under chapter 508, 515,
19 or 520 and, societies, orders, or associations licensed under
20 chapter 512B writing sickness and accident policies providing
21 benefits for loss of time.

22 3. Orders, societies or associations which admit to
23 membership only persons engaged in one or more crafts or
24 hazardous occupations in the same or similar lines of business
25 and the societies or auxiliaries to such orders shall not
26 be subject to the provisions of this chapter nor shall any
27 religious order be subject to the provisions of this chapter.

28 Sec. 116. Section 514B.3, Code 2011, is amended to read as
29 follows:

30 **514B.3 Application for a certificate of authority.**

31 1. An application for a certificate of authority shall be
32 verified by an officer or authorized representative of the
33 health maintenance organization, shall be in a form prescribed
34 by the commissioner, and shall set forth or be accompanied by
35 the following:



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- 1 ~~1-~~ a. A copy of the basic organizational document, if
2 any, of the applicant such as the articles of incorporation,
3 articles of association, partnership agreement, trust
4 agreement, or other applicable documents, and all of its
5 amendments.
- 6 ~~2-~~ b. A copy of the bylaws, rules or similar document,
7 if any, regulating the conduct of the internal affairs of the
8 applicant.
- 9 ~~3-~~ c. A list of the names, addresses and official positions
10 of the persons who are to be responsible for the conduct of
11 the affairs of the applicant, including all members of the
12 board of directors, board of trustees, executive committee, or
13 other governing board or committee, the principal officers if
14 a corporation and the partners or members if a partnership or
15 association.
- 16 ~~4-~~ d. A copy of any contract made or to be made between any
17 providers or persons listed in ~~subsection 3~~ paragraph "c" and
18 the applicant.
- 19 ~~5-~~ e. A statement generally describing the health
20 maintenance organization including, but not limited to, a
21 description of its facilities and personnel.
- 22 ~~6-~~ f. A copy of the form of evidence of coverage.
- 23 ~~7-~~ g. A copy of the form of the group contract, if any,
24 which is to be issued to employers, unions, trustees or other
25 organizations.
- 26 ~~8-~~ h. Financial statements showing the applicant's
27 assets, liabilities and sources of financial support. If the
28 applicant's financial affairs are audited by an independent
29 certified public accountant, a copy of the applicant's most
30 recent regular certified financial statement shall satisfy this
31 requirement unless the commissioner directs that additional
32 financial information is required for the proper administration
33 of this chapter.
- 34 ~~9-~~ i. A description of the proposed method of marketing the
35 plan, a financial plan which includes a three-year projection



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1 of operating results anticipated, and a statement as to the
2 sources of funding.

3 ~~10.~~ j. A power of attorney executed by any applicant
4 appointing the commissioner, the commissioner's successors in
5 office, and deputies to receive process in any legal action or
6 proceeding against the health maintenance organization on a
7 cause of action arising in this state.

8 ~~11.~~ k. A statement reasonably describing the geographic
9 area to be served.

10 ~~12.~~ l. A description of the complaint procedures to be
11 utilized as required under section 514B.14.

12 ~~13.~~ m. A description of the procedures and programs to be
13 implemented to meet the requirements for quality of health care
14 as determined by the director of public health under section
15 514B.4.

16 ~~14.~~ n. A description of the mechanism by which enrollees
17 shall be allowed to participate in matters of policy and
18 operation as required by section 514B.7.

19 ~~15.~~ o. Other information the commissioner finds reasonably
20 necessary to make the determinations required in section
21 514B.5.

22 2. A health maintenance organization shall, unless
23 otherwise provided for in this chapter, file notice with the
24 commissioner and receive approval from the commissioner before
25 modifying the operations described in the information required
26 by this section.

27 3. Upon receipt of an application for a certificate
28 of authority, the commissioner shall immediately transmit
29 copies of the application and accompanying documents to the
30 director of public health and the affected regional health
31 planning council, as authorized by Pub L. No. 89-749, 42 U.S.C.
32 § 246(b)2b, for their nonbinding consultation and advice.

33 Sec. 117. Section 514B.5, Code 2011, is amended to read as
34 follows:

35 **514B.5 Issuance and denial of a certificate of authority.**



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1 1. The commissioner shall issue or deny a certificate
2 of authority to any person filing an application pursuant to
3 section 514B.3 within a reasonable period of time. Issuance
4 of a certificate of authority shall be granted upon payment
5 of the application fee prescribed in section 514B.22 if the
6 commissioner is satisfied that the following conditions are
7 met:

8 ~~1-~~ a. The persons responsible for the conduct of the
9 affairs of the applicant are competent and trustworthy.

10 ~~2-~~ b. The commissioner finds that the health maintenance
11 organization's proposed plan of operation meets the
12 requirements of section 514B.4.

13 ~~3-~~ c. The health maintenance organization provides or
14 arranges for the provision of basic health care services
15 on a prepaid basis, except that the health maintenance
16 organization may impose deductible and coinsurance charges
17 subject to approval by the commissioner. The commissioner
18 has the authority to promulgate rules pursuant to chapter 17A
19 establishing reasonable maximum deductible and coinsurance
20 charges which may be imposed by health maintenance
21 organizations.

22 ~~4-~~ d. The health maintenance organization is fiscally
23 sound and may reasonably be expected to meet its obligations
24 to enrollees. In making this determination, the commissioner
25 may consider:

26 ~~a-~~ (1) The financial soundness of the health maintenance
27 organization's arrangements for health care services in
28 relation to its schedule of charges.

29 ~~b-~~ (2) The adequacy of the health maintenance
30 organization's working capital.

31 ~~c-~~ (3) Any agreement made by the health maintenance
32 organization with an insurer, a corporation authorized under
33 chapter 514 or any other organization for insuring the payment
34 of the cost of health care services or for providing immediate
35 alternative coverage in the event of discontinuance of the



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1 health maintenance organization.
 2 ~~d.~~ (4) Any agreement made with providers for the provision
 3 of health care services.
 4 ~~e.~~ (5) Any surety bond or deposit of cash or securities
 5 submitted in accordance with section 514B.16.
 6 ~~5.~~ e. The enrollees may participate in matters of policy
 7 and operation pursuant to section 514B.7.
 8 ~~6.~~ f. Nothing in the proposed method of operation as shown
 9 by the information submitted pursuant to section 514B.3 or by
 10 independent investigation is contrary to the public interest.
 11 2. A certificate of authority shall be denied only after
 12 compliance with the requirements of section 514B.26.
 13 Sec. 118. Section 514B.6, Code 2011, is amended to read as
 14 follows:
 15 **514B.6 Powers of health maintenance organizations.**
 16 1. The powers of a health maintenance organization include,
 17 but are not limited to, the following:
 18 ~~1.~~ a. The purchase, lease, construction, renovation,
 19 operation or maintenance of hospitals, medical facilities,
 20 or both, and their ancillary equipment, and such property as
 21 may reasonably be required for transacting the business of the
 22 organization.
 23 ~~2.~~ b. The making of loans to a medical group under contract
 24 with it or to a corporation under its control for the purpose
 25 of acquiring or constructing medical facilities and hospitals
 26 or in furtherance of a program providing health care services
 27 to enrollees.
 28 ~~3.~~ c. The furnishing of health care services to the public
 29 through providers which are under contract with or employed by
 30 the health maintenance organization.
 31 ~~4.~~ d. The contracting with any person for the performance
 32 on its behalf of certain functions such as marketing,
 33 enrollment and administration.
 34 ~~5.~~ e. The contracting with an insurance company authorized
 35 to insure groups or individuals in this state for the cost of



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1 health care or with a corporation authorized under chapter 514
2 for the provision of insurance, indemnity, or reimbursement
3 against the cost of health care services provided by the health
4 maintenance organization.

5 ~~6.~~ f. The offering, in addition to basic health care
6 services, of health care services and indemnity benefits to
7 enrollees or groups of enrollees.

8 ~~7.~~ g. The acceptance from any person of payments covering
9 all or part of the charges made to enrollees of the health
10 maintenance organization.

11 2. A health maintenance organization shall file notice with
12 the commissioner before the exercise of any power granted in
13 ~~subsections 1 and 2~~ subsection 1, paragraphs "a" and "b". The
14 commissioner shall disapprove the exercise of power if in the
15 commissioner's opinion it would substantially and adversely
16 affect the financial soundness of the health maintenance
17 organization and endanger its ability to meet its obligations.
18 The commissioner may adopt rules exempting from the filing
19 requirement of this section those activities having a minimum
20 effect.

21 Sec. 119. Section 514B.9, Code 2011, is amended to read as
22 follows:

23 **514B.9 Evidence of coverage.**

24 1. Every enrollee shall receive an evidence of coverage
25 and any amendments. If the enrollee obtains coverage through
26 an insurance policy or a contract issued by a corporation
27 authorized under chapter 514, the insurer or the corporation
28 shall issue the evidence of coverage. No evidence of coverage
29 or amendment shall be issued or delivered to any person in this
30 state until a copy of the form of the evidence of coverage or
31 amendment has been filed with and approved by the commissioner.

32 2. An evidence of coverage shall contain a clear and
33 complete statement of:

34 ~~1.~~ a. The health care services and the insurance or other
35 benefits, if any, to which the enrollee is entitled in the



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1 state or more than one-half of their employees employed within
2 this state. A company shall not invest more than five percent
3 of its capital and surplus under this paragraph. For purposes
4 of this paragraph, "venture capital fund" means a corporation,
5 partnership, proprietorship, or other entity formed under the
6 laws of the United States, or a state, district, or territory
7 of the United States, whose principal business is or will be
8 the making of investments in, and the provision of significant
9 managerial assistance to, small businesses which meet the small
10 business administration definition of small business. "Equity
11 interests" means limited partnership interests and other equity
12 interests in which liability is limited to the amount of the
13 investment, but does not mean general partnership interests or
14 other interests involving general liability. "Venture capital
15 fund" includes an equity interest in the Iowa fund of funds as
16 defined in section 15E.62.

17 ~~"Venture capital fund" includes an equity interest in the~~
18 ~~Iowa fund of funds as defined in section 15E.62.~~

19 Sec. 123. Section 515B.9, subsection 1, Code 2011, is
20 amended to read as follows:

21 1. a. Any person having a claim under an insurance policy,
22 and the claim under such other policy alleges the same damages
23 or arises from the same facts, injury, or loss that gives rise
24 to a covered claim against the association, shall be required
25 to first exhaust all coverage provided by that policy, whether
26 such coverage is on a primary, excess, or pro rata basis and
27 any obligation of the association shall not be considered other
28 insurance.

29 (1) Any amount payable on a covered claim shall be reduced
30 by the full applicable limits of such other insurance policy
31 and the association shall receive full credit for such limits
32 or where there are no applicable limits, the claim shall be
33 reduced by the total recovery.

34 ~~a.~~ (2) A policy providing liability coverage to a person
35 who may be jointly and severally liable with, or a joint



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1 tortfeasor with, the person covered under the policy of the
2 insolvent insurer shall be first exhausted before any claim is
3 made against the association and the association shall receive
4 credit for the same as provided above.

5 **b.** For purposes of this section, an insurance policy means a
6 policy issued by an insurance company, whether or not a member
7 insurer, which policy insures any of the types of risks insured
8 by an insurance company authorized to write insurance under
9 chapter 515, 516A, or 520, or comparable statutes of another
10 state, except those types of risks set forth in chapters 508
11 and 514.

12 Sec. 124. Section 515E.2, subsections 2, 6, and 7, Code
13 2011, are amended to read as follows:

14 2. a. *“Completed operations liability”* means liability
15 arising out of the installation, maintenance, or repair of any
16 product at a site which is not owned or controlled by either of
17 the following:

18 ~~a.~~ (1) A person who performs that work.

19 ~~b.~~ (2) A person who hires an independent contractor to
20 perform that work.

21 b. However, liability for activities which are completed or
22 abandoned before the date of the occurrence giving rise to the
23 liability is included.

24 6. a. *“Liability”* means legal liability for damages,
25 including costs of defense, legal costs and fees, and other
26 claims expenses, because of injuries to other persons, damage
27 to their property, or other damage or loss to other persons
28 resulting from or arising out of either of the following:

29 ~~a.~~ (1) A business, whether profit or nonprofit, trade,
30 product, services, including professional services, premises,
31 or operations.

32 ~~b.~~ (2) An activity of a state or local government, or an
33 agency or political subdivision of state or local government.

34 b. *“Liability”* does not include personal risk liability and
35 an employer’s liability with respect to its employees other



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1 than an employer's legal liability under the federal Employers'
 2 Liability Act, 45 U.S.C. § 51 et seq.

3 7. "*Personal risk liability*" means liability for damages
 4 because of injury to a person, damage to property, or
 5 other loss or damage resulting from personal, familial, or
 6 household responsibilities or activities, rather than from
 7 responsibilities or activities referred to in subsection 6,
 8 ~~paragraphs "a" and "b"~~ paragraph "a", subparagraphs (1) and (2).

9 Sec. 125. Section 515E.4, unnumbered paragraphs 1 and 2,
 10 Code Supplement 2011, are amended to read as follows:

11 Risk retention groups chartered in other states and seeking
 12 to do business as a risk retention group in this state must
 13 observe and abide by the laws of this state as provided in this
 14 section. However, a risk retention group failing to qualify
 15 under the definitional requirement of the federal Act, will not
 16 benefit from this exemption from state law. The commissioner,
 17 therefore, may apply any of the laws that otherwise may be
 18 preempted by the federal Act because the nonexempt group will
 19 not qualify for the preemption.

20 ~~However, a risk retention group failing to qualify under~~
 21 ~~the definitional requirement of the federal Act, will not~~
 22 ~~benefit from this exemption from state law. The commissioner,~~
 23 ~~therefore, may apply any of the laws that otherwise may be~~
 24 ~~preempted by the federal Act because the nonexempt group will~~
 25 ~~not qualify for the preemption.~~

26 Sec. 126. Section 515F.6, subsection 3, unnumbered
 27 paragraph 2, Code 2011, is amended to read as follows:

28 4. If, after hearing, the commissioner finds that the
 29 filing does not meet the requirements of this chapter, the
 30 commissioner shall issue an order specifying in what respects
 31 the filing fails to meet the requirements of this chapter, and
 32 stating when, within a reasonable period after the order is
 33 issued, the filing shall no longer be in effect. Copies of the
 34 order shall be sent to the applicant and to every insurer and
 35 advisory organization which made that filing. The order shall



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1 not affect a contract or policy made or issued prior to the
2 expiration of the period set forth in the order.

3 Sec. 127. Section 516D.4, Code 2011, is amended to read as
4 follows:

5 **516D.4 Collision damage and loss.**

6 1. a. A rental company shall not hold, or attempt to hold,
7 an authorized driver liable for physical damage to a rental
8 vehicle, loss due to theft of a rental vehicle, or damages
9 resulting from the loss of use of a rental vehicle, unless the
10 rental company offers the customer a collision damage waiver
11 under the terms and conditions described in subsection 2 of
12 ~~this section~~, or unless one or more of the following applies:

13 ~~a.~~ (1) The damage or loss is caused intentionally by an
14 authorized driver or is a result of the authorized driver's
15 willful, abusive, reckless, or wanton misconduct.

16 ~~b.~~ (2) The damage or loss arises out of the authorized
17 driver's operation of the rental vehicle while intoxicated or
18 under the influence of a drug.

19 ~~c.~~ (3) The damage or loss is caused while the authorized
20 driver is engaged in a race, training activity, contest, or use
21 of the rental vehicle for an illegal purpose.

22 ~~d.~~ (4) The rental agreement is based on false or misleading
23 information supplied by the customer or an authorized driver.

24 ~~e.~~ (5) The damage or loss is caused by operating the
25 rental vehicle other than on regularly maintained hard surface
26 roadways, including private driveways and parking lots.

27 ~~f.~~ (6) The damage or loss arises out of the use of the
28 rental vehicle to transport persons or property for hire or to
29 push or tow anything.

30 ~~g.~~ (7) The damage or loss occurs while the rental vehicle
31 is operated by a driver other than an authorized driver.

32 ~~h.~~ (8) The damage or loss arises out of the use of the
33 rental vehicle outside the continental United States unless
34 such use is specifically authorized by the rental agreement.

35 ~~i.~~ (9) The damage or loss is attributable to theft which



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1 occurs with the prior knowledge or knowing participation of an
2 authorized driver, or which is attributable to the authorized
3 driver leaving the rental vehicle unattended with the keys in
4 the rental vehicle.

5 b. This section does not alter the liability of a customer
6 or authorized driver for bodily injury or the death of another
7 and for property damage other than to the rental vehicle in
8 accordance with the rental agreement. This section does not
9 prohibit a rental company from accepting or negotiating master
10 contracts with companies or government entities in advance of
11 need whereby the companies or government entities specifically
12 agree to assume liability in exchange for rate concessions.
13 This section does not prohibit a rental company from entering
14 into agreements with insurance companies to provide replacement
15 vehicles to insurance company customers whereby the insurance
16 company agrees to assume the risk of loss.

17 c. If the rental vehicle is not repaired, damages shall not
18 exceed the fair market value of the vehicle, as determined in
19 the customary market for that vehicle, less salvage or actual
20 sale value, plus additional license and tax fees incurred
21 because of the sale, plus administrative fees. A claim shall
22 not be made for loss of use if the rental vehicle is not
23 repaired.

24 2. a. A rental company may offer a collision damage waiver
25 under the following terms and conditions:

26 ~~a-~~ (1) All restrictions, conditions, and exclusions must
27 be printed in the rental agreement, or on a separate sheet or
28 document, in ten point type, or larger; or written in pen and
29 ink or typewritten in or on the face of the rental agreement
30 in a blank space provided for such restrictions, conditions,
31 and exclusions. The rental agreement may provide that the
32 collision damage waiver may be voided under the conditions set
33 forth in subsection 1, ~~paragraphs "a" through "i"~~ paragraph "a",
34 subparagraphs (1) through (9).

35 ~~b-~~ (2) The rental agreement, separate sheet, or document



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1 must clearly and conspicuously state both the daily and
2 estimated total charge for the collision damage waiver.
3 ~~e-~~ (3) (a) The rental agreement, separate sheet, or
4 document given to the customer prior to entering into the
5 rental agreement must display in ten point type, or larger, the
6 following notice:

7 NOTICE: THIS CONTRACT OFFERS, FOR AN ADDITIONAL CHARGE,
8 A COLLISION DAMAGE WAIVER TO COVER ALL OR PART OF YOUR
9 RESPONSIBILITY FOR DAMAGE TO THE RENTAL VEHICLE.

10 BEFORE DECIDING WHETHER TO PURCHASE THE COLLISION DAMAGE
11 WAIVER, YOU MAY WISH TO DETERMINE WHETHER YOUR OWN AUTOMOBILE
12 INSURANCE AFFORDS YOU COVERAGE FOR DAMAGE TO THE RENTAL VEHICLE
13 AND THE AMOUNT OF THE DEDUCTIBLE UNDER YOUR OWN INSURANCE
14 COVERAGE. THE PURCHASE OF THIS COLLISION DAMAGE WAIVER IS NOT
15 MANDATORY AND MAY BE DECLINED.

16 (b) The customer must separately acknowledge that the
17 customer received the above notice, that the customer desires
18 to purchase the collision damage waiver, and the terms of the
19 collision damage waiver to which the customer agrees.

20 ~~d-~~ (4) The car rental company shall not pay commissions to
21 a rental counter agent or representative for selling collision
22 damage waivers and is prohibited from considering volume of
23 sales of collision damage waivers in an employee evaluation or
24 determination of promotion.

25 b. However, notwithstanding whether a rental company
26 offers a collision damage waiver under the provisions of this
27 subsection, the rental company shall not hold an authorized
28 driver liable for damage or loss due to theft except where
29 subsection 1, paragraph ~~"i"~~ "a", subparagraph (9) applies.

30 Sec. 128. Section 518C.3, subsection 4, paragraph b, Code
31 Supplement 2011, is amended to read as follows:

32 b. (1) *"Covered claim"* does not include any of the
33 following:

34 ~~(1)~~ (a) An amount due a reinsurer, insurer, insurance pool,
35 underwriting association, or other group assuming insurance



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1 risks, as subrogation, contribution, indemnity recoveries, or
2 otherwise.

3 ~~(2)~~ (b) An amount that constitutes the portion of a
4 claim that is within an insured's deductible or self-insured
5 retention.

6 ~~(3)~~ (c) A fee or other amount relating to goods or services
7 sought by or on behalf of an attorney, adjuster, witness, or
8 other provider of goods or services retained by the insolvent
9 insurer or by an insured prior to the date the insurer was
10 declared insolvent.

11 ~~(4)~~ (d) An amount that constitutes a fine, penalty,
12 interest, or punitive or exemplary damages.

13 ~~(5)~~ (e) A fee or other amount sought by or on behalf of
14 an attorney, adjuster, witness, or other provider of goods or
15 services retained by the insured or claimant in connection with
16 the assertion of any claim, covered or otherwise, against the
17 association.

18 ~~(6)~~ (f) A claim filed with the association or with a
19 liquidator for protection afforded under the insured's policy
20 or contract for incurred but not reported losses or expenses.

21 ~~(7)~~ (g) An amount that is an obligation owed to or on
22 behalf of an affiliate of, as defined in section 521A.1, an
23 insolvent insurer.

24 (2) Notwithstanding ~~subparagraphs (1) through (7)~~
25 subparagraph (1), subparagraph divisions (a) through (g), a
26 person is not prevented from presenting a noncovered claim
27 to the insolvent insurer or its liquidator. However, the
28 noncovered claim shall not be asserted against any other
29 person, including the person to whom benefits were paid or the
30 insured of the insolvent insurer, except to the extent that
31 the claim is outside the coverage of the policy issued by the
32 insolvent insurer.

33 Sec. 129. Section 521A.3, subsections 1 and 2, Code 2011,
34 are amended to read as follows:

35 1. *Filing requirements.*



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1 ~~(1)~~ (a) If such person is an individual, the individual's
2 principal occupation and all offices and positions held during
3 the past five years, and any conviction of crimes other than
4 minor traffic violations during the past ten years.

5 ~~(2)~~ (b) If such person is not an individual, a report
6 of the nature of its business operations during the past
7 five years or for such lesser period as such person and
8 any predecessors thereof shall have been in existence; an
9 informative description of the business intended to be done
10 by such person and such person's subsidiaries; and a list of
11 all individuals who are or who have been selected to become
12 directors or executive officers of such person, or who perform
13 or will perform functions appropriate to such positions. Such
14 list shall include for each such individual the information
15 required by subparagraph ~~(1)~~ of this paragraph division (a).

16 ~~b.~~ (2) The source, nature and amount of the consideration
17 used or to be used in effecting the merger or other acquisition
18 of control, a description of any transaction in which funds
19 were or are to be obtained for any such purpose including a
20 pledge of the insurer's stock, or the stock of any of its
21 subsidiaries or controlling affiliates, and the identity of
22 persons furnishing the consideration. However, if a source
23 of the consideration is a loan made in the lender's ordinary
24 course of business, the identity of the lender shall remain
25 confidential, if the person filing the statement so requests.

26 ~~c.~~ (3) Fully audited financial information as to the
27 earnings and financial condition of each acquiring party for
28 the preceding five fiscal years of each such acquiring party,
29 or for such lesser period as such acquiring party and any
30 predecessors thereof shall have been in existence, and similar
31 unaudited information as of a date not earlier than ninety days
32 prior to the filing of the statement.

33 ~~d.~~ (4) Any plans or proposals which each acquiring party
34 may have to liquidate such insurer, to sell its assets or
35 merge or consolidate it with any person, or to make any other



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1 material change in its business or corporate structure or
2 management.

3 ~~e-~~ (5) The number of shares of any security referred to
4 in subsection 1 ~~of this section~~ which each acquiring party
5 proposes to acquire, and the terms of the offer, request,
6 invitation, agreement, or acquisition referred to in subsection
7 1 ~~of this section~~, and a statement as to the method by which the
8 fairness of the proposal was arrived at.

9 ~~f-~~ (6) The amount of each class of any security referred
10 to in subsection 1 ~~of this section~~ which is beneficially owned
11 or concerning which there is a right to acquire beneficial
12 ownership by each acquiring party.

13 ~~g-~~ (7) A full description of any contracts, arrangements
14 or understandings with respect to any security referred to
15 in subsection 1 ~~of this section~~ in which any acquiring party
16 is involved, including but not limited to transfer of any of
17 the securities, joint ventures, loan or option arrangements,
18 puts or calls, guarantees of loans, guarantees against loss
19 or guarantees of profits, division of losses or profits, or
20 the giving or withholding of proxies. Such description shall
21 identify the persons with whom such contracts, arrangements or
22 understandings have been entered into.

23 ~~h-~~ (8) A description of the purchase of any security
24 referred to in subsection 1 ~~of this section~~ during the twelve
25 calendar months preceding the filing of the statement, by any
26 acquiring party, including the dates of purchase, names of
27 the purchasers, and consideration paid or agreed to be paid
28 therefor.

29 ~~i-~~ (9) A description of any recommendations to purchase
30 any security referred to in subsection 1 ~~of this section~~ made
31 during the twelve calendar months preceding the filing of the
32 statement, by any acquiring party, or by anyone based upon
33 interview or at the suggestion of such acquiring party.

34 ~~j-~~ (10) Copies of all tender offers for, requests or
35 invitations for tenders of, exchange offers for, and agreements



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1 to acquire or exchange any securities referred to in subsection
2 ~~1 of this section~~, and, if distributed, of additional
3 soliciting material relating thereto.

4 ~~4-~~ (11) The terms of any agreement, contract or
5 understanding made with any broker-dealer as to solicitation
6 of securities referred to in subsection ~~1 of this section~~
7 for tender, and the amount of any fees, commissions or other
8 compensation to be paid to broker-dealers with regard thereto.

9 ~~4-~~ (12) Additional information as the commissioner may by
10 rule prescribe as necessary or appropriate for the protection
11 of policyholders of the insurer or in the public interest.

12 b. If the person required to file the statement referred
13 to in subsection ~~1 of this section~~ is a partnership, limited
14 partnership, syndicate or other group, the commissioner may
15 require that the information called for by ~~paragraphs "a"~~
16 ~~through "1" of this subsection~~ paragraph "a", subparagraphs
17 (1) through (12) shall be given with respect to each partner
18 of such partnership or limited partnership, each member of
19 such syndicate or group, and each person who controls such
20 partner or member. If any such partner, member or person is
21 a corporation or the person required to file the statement
22 referred to in subsection ~~1 of this section~~ is a corporation,
23 the commissioner may require that the information called for
24 by ~~paragraphs "a" through "1" of this subsection~~ paragraph
25 "a", subparagraphs (1) through (12) shall be given with
26 respect to such corporation, each officer and director of such
27 corporation, and each person who is directly or indirectly the
28 beneficial owner of more than ten percent of the outstanding
29 voting securities of such corporation. If any material change
30 occurs in the facts set forth in the statement filed with the
31 commissioner and sent to such insurer pursuant to this section,
32 an amendment setting forth such change, together with copies of
33 all documents and other material relevant to such change, shall
34 be filed with the commissioner and sent to such insurer within
35 two business days after the person learns of such change. Such



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1 insurer shall send such amendment to its shareholders.
 2 Sec. 130. Section 521B.2, unnumbered paragraph 1, Code
 3 2011, is amended to read as follows:
 4 Credit for reinsurance is allowed a domestic ceding insurer
 5 as either an asset or a deduction from liability on account of
 6 reinsurance ceded only if the reinsurer meets the requirements
 7 of subsection 1, 2, 3, 4, or 5. If the reinsurer meets
 8 the requirements of subsection 3 or 4, the requirements of
 9 subsection 6 must also be met. This section does not apply to
 10 reinsurance ceded and assumed pursuant to pooling arrangements
 11 among insurers in the same holding company system.
 12 Sec. 131. Section 521B.2, subsection 2, Code 2011, is
 13 amended to read as follows:
 14 2. a. Credit is allowed if the reinsurance is ceded to an
 15 assuming insurer which is accredited as a reinsurer in this
 16 state. An accredited reinsurer is one which satisfies all of
 17 the following conditions:
 18 ~~a-~~ (1) Files with the commissioner evidence of submission
 19 to the jurisdiction of this state.
 20 ~~b-~~ (2) Submits to the authority of this state to examine
 21 its books and records.
 22 ~~c-~~ (3) Is licensed to transact reinsurance in at least one
 23 state, or in the case of a United States branch of an alien
 24 assuming insurer, is entered through and licensed to transact
 25 the business of reinsurance in at least one state.
 26 ~~d-~~ (4) Files annually with the commissioner a copy of
 27 its annual statement filed with the insurance department of
 28 its state of domicile and a copy of its most recent audited
 29 financial statement and does either of the following:
 30 ~~(1)~~ (a) Maintains a surplus with respect to policyholders
 31 in an amount which is not less than twenty million dollars and
 32 whose accreditation has not been denied by the commissioner
 33 within ninety days of its submission to the jurisdiction of
 34 this state.
 35 ~~(2)~~ (b) Maintains a surplus with respect to policyholders



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1 in an amount less than twenty million dollars and whose
2 accreditation has been approved by the commissioner. Credit
3 shall not be allowed a domestic ceding insurer, if the
4 accreditation of the assuming insurer is revoked by the
5 commissioner after notice and hearing.

6 b. To qualify as an accredited reinsurer, an assuming
7 insurer must meet all of the requirements and the standards
8 set forth in this subsection. If the commissioner determines
9 that the assuming insurer has failed to continue to meet any
10 of these requirements or standards, the commissioner may upon
11 written notice and hearing revoke accreditation of the assuming
12 insurer.

13 ~~This section does not apply to reinsurance ceded and assumed~~
14 ~~pursuant to pooling arrangements among insurers in the same~~
15 ~~holding company system.~~

16 Sec. 132. Section 521C.3, subsection 5, Code 2011, is
17 amended to read as follows:

18 5. a. The commissioner may refuse to issue a reinsurance
19 intermediary license if, in the commissioner's judgment, any of
20 the following conditions are present:

21 ~~a.~~ (1) The applicant, anyone named in the application, or
22 any member, principal, officer, or director of the applicant,
23 is not trustworthy.

24 ~~b.~~ (2) A controlling person of such applicant is not
25 trustworthy to act as a reinsurance intermediary.

26 ~~c.~~ (3) Conditions present in ~~paragraph "a" or "b"~~
27 subparagraph (1) or (2) have given cause for revocation or
28 suspension of a license, or a person referred to in ~~paragraph~~
29 ~~"a" or "b"~~ subparagraph (1) or (2) has failed to comply with any
30 prerequisite for the issuance of a license.

31 b. Upon written request, the commissioner shall furnish a
32 written summary of the basis for refusal to issue a license,
33 which document is privileged and not subject to disclosure
34 under chapter 22.

35 Sec. 133. Section 521D.4, subsection 3, Code 2011, is



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1 amended to read as follows:

2 3. a. A report required to be filed pursuant to this
3 chapter is to be filed regardless of who has initiated the
4 nonrenewal, cancellation, or revision of the ceded reinsurance
5 agreement whenever one or more of the following conditions
6 exist:

7 ~~a.~~ (1) The entire cession has been canceled, nonrenewed,
8 or revised and ceded indemnity and loss adjustment expense
9 reserves, after any nonrenewal, cancellation, or revision,
10 represent less than fifty percent of the comparable reserves
11 that would have been ceded had the nonrenewal, cancellation, or
12 revision not occurred.

13 ~~b.~~ (2) An authorized or accredited reinsurer has been
14 replaced on an existing cession by an unauthorized reinsurer.

15 ~~c.~~ (3) Collateral requirements previously established for
16 unauthorized reinsurers have been reduced.

17 b. Subject to the materiality criteria, for purposes of
18 paragraphs ~~"b"~~ and ~~"c"~~ paragraph "a", subparagraphs (2) and (3),
19 a report shall be filed if the result of the revision affects
20 more than ten percent of the cession.

21 Sec. 134. Section 524.605, Code 2011, is amended to read as
22 follows:

23 **524.605 Liability of directors in certain cases.**

24 1. In addition to any other liabilities imposed by law upon
25 directors of a state bank:

26 ~~1.~~ a. Directors of a state bank who vote for or assent
27 to the declaration of any dividend or other distribution of
28 the assets of a state bank to its shareholders in willful or
29 negligent violation of the provisions of this chapter or of
30 any restrictions contained in the articles of incorporation,
31 shall be jointly and severally liable to the state bank for
32 the amount of such dividend which is paid or the value of
33 such assets which are distributed in excess of the amount
34 of such dividend or distribution which could have been
35 paid or distributed without a violation of the provisions



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1 represented to the director to be correct by an officer or
 2 officers of such state bank or stated in a written report by a
 3 certified public accountant or firm of such accountants. No
 4 director shall be deemed to be negligent within the meaning
 5 of this section if the director in good faith exercised that
 6 diligence, care and skill which an ordinarily prudent person
 7 would exercise as a director under similar circumstances.

8 4. Any director against whom a claim shall be asserted under
 9 or pursuant to this section for the payment of a dividend or
 10 other distribution of assets of a state bank and who shall be
 11 held liable thereon, shall be entitled to contribution from
 12 the shareholders who accepted or received any such dividend or
 13 assets, knowing such dividend or distribution to have been made
 14 in violation of the provisions of this chapter, in proportion
 15 to the amounts received by them respectively. Further, any
 16 director against whom a claim shall be asserted pursuant to
 17 this section for the payment of any liability imposed by this
 18 section shall be entitled to contribution from any director
 19 found to be similarly liable.

20 5. Whenever the superintendent deems it necessary the
 21 superintendent may require, after affording an opportunity for
 22 a hearing upon adequate notice, that a director or directors
 23 whom the superintendent reasonably believes to be liable to
 24 a state bank pursuant to subsection 1, ~~2, 3, or 4 of this~~
 25 ~~section~~ paragraph "a", "b", "c", or "d", to place in an escrow
 26 account in an insured bank located in this state, as directed
 27 by the superintendent, an amount sufficient to discharge any
 28 liability which may accrue pursuant to subsection 1, ~~2, 3,~~
 29 ~~or 4 of this section~~ paragraph "a", "b", "c", or "d". The
 30 amount so deposited shall be paid over to the state bank by
 31 the superintendent upon final determination of the amount of
 32 such liability. Any portion of the escrow account which is not
 33 necessary to meet such liability shall be repaid on a pro rata
 34 basis to the directors who contributed to the fund.

35 6. Any action seeking to impose liability under this



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1 section, other than liability for contribution, shall be
2 commenced only within five years of the action complained of
3 and not thereafter.

4 Sec. 135. Section 524.901, subsection 7, Code 2011, is
5 amended to read as follows:

6 7. a. A state bank, upon the approval of the
7 superintendent, may invest up to five percent of its aggregate
8 capital in the shares or equity interests of any of the
9 following:

10 ~~a.~~ (1) Economic development corporations organized under
11 chapter 496B to the extent authorized by and subject to the
12 limitations of that chapter.

13 ~~b.~~ (2) Community development corporations or community
14 development projects to the same extent a national bank may
15 invest in such corporations or projects pursuant to 12 U.S.C.
16 § 24.

17 ~~c.~~ (3) Small business investment companies as defined by
18 the laws of the United States.

19 ~~d.~~ (4) Venture capital funds which invest an amount equal
20 to at least fifty percent of a state bank's investment in small
21 businesses having their principal offices within this state and
22 having either more than one-half of their assets within this
23 state or more than one-half of their employees employed within
24 this state.

25 ~~e.~~ (5) Small businesses having a principal office within
26 this state and having either more than one-half of their assets
27 within this state or more than one-half of their employees
28 employed within this state. An investment by a state bank
29 in a small business under this ~~paragraph~~ subparagraph shall
30 be included with the obligations of the small business to
31 the state bank that are incurred as a result of the exercise
32 by the state bank of the powers conferred in section 524.902
33 for the purpose of determining the total obligations of the
34 small business pursuant to section 524.904. A state bank's
35 equity interest investment in a small business, pursuant to



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1 ~~paragraph~~ subparagraph, shall not exceed a twenty percent
2 ownership interest in the small business.

3 ~~f.~~ (6) Other entities, acceptable to the superintendent,
4 whose sole purpose is to promote economic or civic developments
5 within a community or this state.

6 b. A state bank's total investment in any combination of
7 the shares or equity interests of the entities identified
8 in ~~paragraphs "a" through "f"~~ paragraph "a", subparagraphs
9 (1) through (6) shall be limited to fifteen percent of its
10 aggregate capital.

11 c. For purposes of this subsection:

12 (1) The term "equity interests" means limited partnership
13 interests and other equity interests in which liability is
14 limited to the amount of the investment, but does not mean
15 general partnership interests or other interests involving
16 general liability.

17 (2) The term "small business" means a corporation,
18 partnership, proprietorship, or other entity which meets
19 the appropriate United States small business administration
20 definition of small business and which is principally engaged
21 in the development or exploitation of inventions, technological
22 improvements, new processes, or other products not previously
23 generally available in this state, or other investments which
24 provide an economic benefit to the state.

25 ~~(3)~~ ~~For purposes of this subsection, the~~ The term "venture
26 capital fund" means a corporation, partnership, proprietorship,
27 or other entity whose principal business is or will be the
28 making of investments in, and the providing of significant
29 managerial assistance to, small businesses. ~~The term "small~~
30 ~~business"~~ means a corporation, partnership, proprietorship, or
31 ~~other entity which meets the appropriate United States small~~
32 ~~business administration definition of small business and which~~
33 ~~is principally engaged in the development or exploitation of~~
34 ~~inventions, technological improvements, new processes, or other~~
35 ~~products not previously generally available in this state, or~~



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1 For the purpose of this ~~paragraph~~ subsection, "known tax
 2 consequences" means and includes but shall not be limited to the
 3 following:

4 ~~1-~~ a. An amount directly or indirectly received from a
 5 customer and applied to a loan account of the customer which
 6 represents interest paid by the customer to the financial
 7 institution.

8 ~~2-~~ b. In any transaction where the total amount involved
 9 is deducted from funds in a customer's account and is
 10 simultaneously paid either directly or indirectly by the
 11 financial institution to the account of a third party, any
 12 portion of the transaction amount which represents a sales or
 13 other tax imposed upon or included within the transaction and
 14 collected by that third party from the customer, or any portion
 15 of the transaction amount which represents interest paid to the
 16 third party by the customer.

17 ~~3-~~ c. Any other transaction which the administrator
 18 determines to have direct tax consequences to the customer.
 19 The administrator also may provide for the periodic
 20 distribution to customers of summaries of transactions having
 21 known tax consequences.

22 Sec. 137. Section 527.9, subsection 2, Code 2011, is amended
 23 to read as follows:

24 2. a. A person desiring to operate a central routing unit
 25 shall submit to the administrator an application which shall
 26 contain all of the following information:

27 ~~a-~~ (1) The name and business address of the owner of the
 28 proposed unit.

29 ~~b-~~ (2) The name and business address of each data
 30 processing center and other central routing unit with which
 31 the proposed central routing unit will have direct electronic
 32 communication.

33 ~~c-~~ (3) The location of the proposed central routing unit.

34 ~~d-~~ (4) A schedule of the charges which will be required to
 35 be paid to that applicant by each financial institution which



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1 utilizes the proposed central routing unit.

2 ~~The application shall be accompanied by all agreements~~
 3 ~~between the proposed central routing unit and all data~~
 4 ~~processing centers and other central routing units respecting~~
 5 ~~the transmission of transaction data; and a copy of any~~
 6 ~~agreement between the proposed central routing unit and~~
 7 ~~any financial institution establishing a satellite terminal~~
 8 ~~unless that agreement theretofore has been filed with the~~
 9 ~~administrator pursuant to section 527.5.~~

10 ~~e.~~ (5) An agreement by the applicant that the proposed
 11 central routing unit will be capable of accepting and routing,
 12 and will be operated to accept and route, transmissions of data
 13 originating at any satellite terminal located in this state,
 14 except limited-function terminals, whether receiving from that
 15 terminal or from a data processing center or other central
 16 routing unit.

17 ~~f.~~ (6) A representation and undertaking that the proposed
 18 central routing unit is directly connected to every data
 19 processing center that is directly connected to a satellite
 20 terminal located in this state, and that the proposed central
 21 routing unit will provide for direct connection in the
 22 future with any data processing center that becomes directly
 23 connected to a satellite terminal located in this state. This
 24 representation and undertaking is not required of a central
 25 routing unit with respect to limited-function terminals.

26 b. The application shall be accompanied by all agreements
 27 between the proposed central routing unit and all data
 28 processing centers and other central routing units respecting
 29 the transmission of transaction data; and a copy of any
 30 agreement between the proposed central routing unit and
 31 any financial institution establishing a satellite terminal
 32 unless that agreement theretofore has been filed with the
 33 administrator pursuant to section 527.5.

34 Sec. 138. Section 533.102, subsection 3, Code 2011, is
 35 amended to read as follows:



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1 3. a. "Credit union" means a cooperative, nonprofit
2 association, organized or incorporated in accordance with the
3 provisions of this chapter or under the laws of another state
4 or the Federal Credit Union Act, 12 U.S.C. § 1751 et seq.,
5 for the purposes of creating a source of credit at a fair and
6 reasonable rate of interest, of encouraging habits of thrift
7 among its members, and of providing an opportunity for its
8 members to use and control their own money on a democratic
9 basis in order to improve their economic and social condition.

10 b. A ~~credit union~~ "credit union" is also a supervised
11 financial organization as that term is defined and used in
12 chapter 537, the Iowa consumer credit code.

13 Sec. 139. Section 536A.10, Code 2011, is amended to read as
14 follows:

15 **536A.10 Issuance of license.**

16 1. If the superintendent shall find:

17 ~~1-~~ a. That the financial responsibility, experience,
18 character and general fitness of the applicant and of the
19 officers thereof are such as to command the confidence of the
20 community, and to warrant the belief that the business will be
21 operated honestly, fairly and efficiently within the purpose of
22 this chapter;

23 ~~2-~~ b. That a reasonable necessity exists for a new
24 industrial loan company in the community to be served;

25 ~~3-~~ c. That the applicant has available for the operation
26 of the business at the specified location paid-in capital and
27 surplus as required by section 536A.8; and

28 ~~4-~~ d. That the applicant is a corporation organized for
29 pecuniary profit under the laws of the state of Iowa.

30 2. The superintendent shall approve the application and
31 issue to the applicant a license to engage in the industrial
32 loan business in accordance with the provisions of this
33 chapter. The superintendent shall approve or deny an
34 application for a license within one hundred twenty days from
35 the date of the filing of such application.



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1 Sec. 140. Section 542B.2, Code 2011, is amended to read as
2 follows:

3 **542B.2 Terms defined.**

4 As used in the chapter, unless the context otherwise
5 requires:

6 1. ~~The “board”~~ “Board” means the engineering and land
7 surveying examining board provided by this chapter.

8 2. “Design coordination” includes the review and
9 coordination of technical submissions prepared by others,
10 including as appropriate and without limitation, consulting
11 engineers, architects, landscape architects, land surveyors,
12 and other professionals working under the direction of the
13 engineer.

14 ~~2. The term “engineering documents” as used in this chapter~~
15 ~~includes all plans, specifications, drawings, and reports, if~~
16 ~~the preparation of such documents constitutes or requires the~~
17 ~~practice of engineering.~~

18 3. ~~The term “engineer intern” as used in this chapter~~
19 “Engineer intern” means a person who passes an examination in
20 the fundamental engineering subjects, but does not entitle the
21 person to claim to be a professional engineer.

22 4. “Engineering documents” includes all plans,
23 specifications, drawings, and reports, if the preparation
24 of such documents constitutes or requires the practice of
25 engineering.

26 5. “Engineering surveys” includes all survey activities
27 required to support the sound conception, planning, design,
28 construction, maintenance, and operation of engineered
29 projects, but excludes the surveying of real property for the
30 establishment of land boundaries, rights-of-way, easements, and
31 the dependent or independent surveys or resurveys of the public
32 land survey system.

33 ~~4. 6. The term “in responsible charge” as used in this~~
34 ~~chapter~~ “In responsible charge” means having direct control of
35 and personal supervision over any land surveying work or work



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1 involving the practice of engineering. One or more persons,
2 jointly or severally, may be in responsible charge.

3 ~~5. a. The practice of "land surveying" includes providing~~
4 ~~professional services such as consultation, investigation,~~
5 ~~testimony, evaluation, planning, mapping, assembling, and~~
6 ~~interpreting reliable scientific measurements and information~~
7 ~~relative to the location of property lines or boundaries, and~~
8 ~~the utilization, development, and interpretation of these facts~~
9 ~~into an orderly survey, plat, or map. The practice of land~~
10 ~~surveying includes, but is not limited to, the following:~~

11 ~~(1) Locating, relocating, establishing, reestablishing,~~
12 ~~setting, or resetting of permanent monumentation for any~~
13 ~~property line or boundary of any tract or parcel of land.~~
14 ~~Setting permanent monuments constitutes an improvement to real~~
15 ~~property.~~

16 ~~(2) Making any survey for the division or subdivision of any~~
17 ~~tract or parcel of land.~~

18 ~~(3) Determination, by the use of the principles of land~~
19 ~~surveying, of the position for any permanent survey monument or~~
20 ~~reference point, or setting, resetting, or replacing any survey~~
21 ~~monument or reference point excluding the responsibility of~~
22 ~~engineers pursuant to section 314.8.~~

23 ~~(4) Creating and writing metes and bounds descriptions as~~
24 ~~defined in section 354.2.~~

25 ~~(5) Geodetic surveying for determination of the size and~~
26 ~~shape of the earth both horizontally and vertically for the~~
27 ~~precise positioning of permanent land survey monuments on~~
28 ~~the earth utilizing angular and linear measurements through~~
29 ~~spatially oriented spherical geometry.~~

30 ~~(6) Creation, preparation, or modification of electronic~~
31 ~~or computerized data, including land information systems and~~
32 ~~geographical information systems, relative to the performance~~
33 ~~of the activities identified in subparagraphs (1) through (5).~~

34 ~~b. This subsection does not prohibit a professional engineer~~
35 ~~from practicing any aspect of the practice of engineering. A~~

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1 ~~land surveyor is not prohibited from performing engineering~~
 2 ~~surveys as defined in the practice of engineering.~~
 3 ~~c. A person is construed to be engaged in or offering to be~~
 4 ~~engaged in the practice of land surveying if the person does~~
 5 ~~any of the following:~~
 6 ~~(1) Engages in land surveying.~~
 7 ~~(2) Makes a representation by verbal claim, sign,~~
 8 ~~advertisement, letterhead, card, or other manner that the~~
 9 ~~person is a land surveyor.~~
 10 ~~(3) Uses any title which implies that the person is a land~~
 11 ~~surveyor or that the person is licensed under this chapter.~~
 12 ~~(4) Holds the person's self out as able to perform, or who~~
 13 ~~does perform, any service or work included in the practice of~~
 14 ~~land surveying.~~
 15 ~~6. 7. The term "land surveying documents" as used in this~~
 16 ~~chapter "Land surveying documents" includes all plats, maps,~~
 17 ~~surveys, and reports, if the preparation thereof constitutes or~~
 18 ~~requires the practice of land surveying.~~
 19 ~~7. 8. The term "land surveyor" as used in this chapter~~
 20 ~~shall mean "Land surveyor" means a person who engages in the~~
 21 ~~practice of land surveying as defined in this section.~~
 22 ~~8. 9. a. "Practice of engineering" as used in this~~
 23 ~~chapter means any service or creative work, the adequate~~
 24 ~~performance of which requires engineering education, training,~~
 25 ~~and experience in the application of special knowledge of the~~
 26 ~~mathematical, physical, and engineering sciences, such as~~
 27 ~~consultation, investigation, evaluation, planning, design and~~
 28 ~~design coordination of engineering works and systems, planning~~
 29 ~~the use of land and water, performing engineering surveys and~~
 30 ~~studies, and the review of construction for the purpose of~~
 31 ~~monitoring compliance with drawings and specifications, any of~~
 32 ~~which embraces such services or creative work, either public~~
 33 ~~or private, in connection with any utilities, structures,~~
 34 ~~buildings, machines, equipment, processes, work systems,~~
 35 ~~projects, and industrial or consumer products or equipment of~~



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1 a mechanical, electrical, hydraulic, pneumatic, or thermal
2 nature, insofar as they involve safeguarding life, health, or
3 property, and including such other professional services as
4 may be necessary to the planning, progress, and completion of
5 the services identified in this ~~paragraph subsection~~. *“Design*
6 *coordination”* ~~includes the review and coordination of technical~~
7 ~~submissions prepared by others, including as appropriate and~~
8 ~~without limitation, consulting engineers, architects, landscape~~
9 ~~architects, land surveyors, and other professionals working~~
10 ~~under the direction of the engineer. “Engineering surveys”~~
11 ~~includes all survey activities required to support the sound~~
12 ~~conception, planning, design, construction, maintenance, and~~
13 ~~operation of engineered projects, but excludes the surveying~~
14 ~~of real property for the establishment of land boundaries,~~
15 ~~rights-of-way, easements, and the dependent or independent~~
16 ~~surveys or resurveys of the public land survey system.~~

17 b. A person is construed to be engaged in the practice of
18 engineering if the person does any of the following:

19 ~~a.~~ (1) Practices any branch of the profession of
20 engineering.

21 ~~b.~~ (2) Makes a representation by verbal claim, sign,
22 advertisement, letterhead, card, or other manner that the
23 person is a professional engineer.

24 ~~c.~~ (3) Uses any title which implies that the person is a
25 professional engineer or that the person is certified under
26 this chapter.

27 ~~d.~~ (4) The person holds the person’s self out as able to
28 perform, or who does perform, any service or work included in
29 the practice of engineering.

30 10. a. “Practice of land surveying” includes providing
31 professional services such as consultation, investigation,
32 testimony, evaluation, planning, mapping, assembling, and
33 interpreting reliable scientific measurements and information
34 relative to the location of property lines or boundaries, and
35 the utilization, development, and interpretation of these facts



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1 person is a land surveyor.

2 (3) Uses any title which implies that the person is a land
3 surveyor or that the person is licensed under this chapter.

4 (4) Holds the person's self out as able to perform, or who
5 does perform, any service or work included in the practice of
6 land surveying.

7 ~~9.~~ 11. ~~The term "professional engineer" as used in this~~
8 ~~chapter "Professional Engineer" means a person, who, by~~
9 ~~reason of the person's knowledge of mathematics, the physical~~
10 ~~sciences, and the principles of engineering, acquired by~~
11 ~~professional education or practical experience, is qualified to~~
12 ~~engage in the practice of engineering.~~

13 Sec. 141. Section 542B.14, Code 2011, is amended to read as
14 follows:

15 **542B.14 General requirements for licensure — temporary**
16 **permit to practice engineering.**

17 1. Each applicant for licensure as a professional engineer
18 or land surveyor shall have all of the following requirements,
19 respectively, to wit:

20 ~~1.~~ a. As a professional engineer:

21 ~~a.~~ (1) (a) Graduation from a course in engineering of
22 four years or more in a school or college which, in the opinion
23 of the board, will properly prepare the applicant for the
24 examination in fundamental engineering subjects.

25 ~~(2)~~ (b) However, prior to July 1, 1988, in lieu of
26 compliance with subparagraph ~~(1)~~ division (a), the board may
27 accept eight years' practical experience which, in the opinion
28 of the board, is of satisfactory character to properly prepare
29 the applicant for the examination in fundamental engineering
30 subjects.

31 ~~(3)~~ (c) Between July 1, 1988, and June 30, 1991, in
32 lieu of compliance with subparagraph ~~(1)~~ division (a), the
33 board shall require satisfactory completion of a minimum of
34 two years of postsecondary study in mathematics, physical
35 sciences, engineering technology, or engineering at an



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1 ~~(2)~~ (b) However, prior to July 1, 1988, in lieu of
2 compliance with subparagraph ~~(1)~~ division (a), the board may
3 accept eight years' practical experience which, in the opinion
4 of the board, is of satisfactory character to properly prepare
5 the applicant for the examination in fundamental land surveying
6 subjects.

7 ~~b.~~ (2) Successfully passing a written, oral, or written and
8 oral examination in fundamental land surveying subjects which
9 is designed to show the knowledge of general land surveying
10 principles.

11 ~~e.~~ (3) In addition to any other requirement, a specific
12 record of four years or more of practical experience in land
13 surveying work which is of a character satisfactory to the
14 board.

15 ~~d.~~ (4) Successfully passing a written, oral, or written
16 and oral examination designed to determine the proficiency and
17 qualifications to engage in the practice of land surveying.
18 No applicant shall be entitled to take this examination until
19 the applicant shows the necessary practical experience in land
20 surveying work.

21 2. The board may establish by rule a temporary permit and
22 a fee to permit an engineer to practice for a period of time
23 without applying for licensure.

24 Sec. 142. Section 548.112, Code 2011, is amended to read as
25 follows:

26 **548.112 Infringement.**

27 1. Subject to section 548.116, a person shall not do any of
28 the following:

29 ~~1.~~ a. Use, without the consent of the registrant, any
30 reproduction, counterfeit, copy, or colorable imitation of a
31 mark registered under this chapter in connection with the sale,
32 distribution, offering for sale, or advertising of any goods or
33 services on or in connection with which such use is likely to
34 cause confusion or mistake, or to deceive as to the source of
35 origin of such goods or services.



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1 ~~2.~~ b. Reproduce, counterfeit, copy, or colorably imitate
2 any such mark and apply such reproduction, counterfeit, copy,
3 or colorable imitation to labels, signs, prints, packages,
4 wrappers, receptacles, or advertisements intended to be used
5 upon or in connection with the sale or other distribution in
6 this state of such goods or services.

7 2. The person shall be liable in a civil action by the
8 registrant for any or all of the remedies provided in section
9 548.114, except that under subsection 2 1, paragraph "b", the
10 registrant shall not be entitled to recover profits or damages
11 unless the acts have been committed with the intent to cause
12 confusion or mistake or to deceive.

13 Sec. 143. Section 551A.1, subsection 4, Code 2011, is
14 amended to read as follows:

15 4. a. "Franchise" means a contract between a seller and a
16 purchaser where the parties agree to all of the following:

17 ~~a.~~ (1) A franchisee is granted the right to engage in
18 the business of offering, selling, or distributing goods or
19 services under a marketing plan prescribed in substantial part
20 by a franchisor.

21 ~~b.~~ (2) The operation of the franchisee's business
22 pursuant to such a plan is substantially associated with the
23 franchisor's business and trademark, service mark, trade name,
24 logotype, advertising, or other commercial symbol designating
25 the franchisor or its affiliate.

26 b. For the purposes of this subsection, ~~"franchisee":~~

27 (1) "Franchisee" means a person to whom a franchise is
28 granted ~~and "franchisor".~~

29 (2) "Franchisor" means a person who grants a franchise.

30 Sec. 144. Section 554.2103, subsection 3, Code 2011, is
31 amended to read as follows:

32 3. ~~"Control" as provided in section 554.7106 and the~~ The
33 following definitions in other Articles apply to this Article:

34 a. "Check"..... Section 554.3104

35 b. "Consignee"..... Section 554.7102



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1 Sec. 147. Section 554.9102, subsection 2, Code 2011, is
2 amended to read as follows:
3 2. *Definitions in other Articles.* ~~“Control” as provided in~~
4 ~~section 554.7106 and the~~ The following definitions in other
5 Articles apply to this Article:
6 a. “Applicant”..... Section 554.5102
7 b. “Beneficiary”..... Section 554.5102
8 c. “Broker”..... Section 554.8102
9 d. “Certificated security”..... Section 554.8102
10 e. “Check”..... Section 554.3104
11 f. “Clearing corporation”..... Section 554.8102
12 g. “Contract for sale”..... Section 554.2106
13 h. “Control”..... Section 554.7106
14 i. “Customer”..... Section 554.4104
15 j. “Entitlement holder”..... Section 554.8102
16 k. “Financial asset”..... Section 554.8102
17 l. “Holder in due course”..... Section 554.3302
18 m. “Issuer” (with respect to a letter
19 of credit or letter-of-credit right).. Section 554.5102
20 n. “Issuer” (with respect
21 to a security)..... Section 554.8201
22 o. “Issuer” (with respect
23 to documents of title)..... Section 554.7102
24 p. “Lease”..... Section 554.13103
25 q. “Lease agreement”..... Section 554.13103
26 r. “Lease contract”..... Section 554.13103
27 s. “Leasehold interest”..... Section 554.13103
28 t. “Lessee”..... Section 554.13103
29 u. “Lessee in ordinary
30 course of business”..... Section 554.13103
31 v. “Lessor”..... Section 554.13103
32 w. “Lessor’s residual interest”... Section 554.13103
33 x. “Letter of credit”..... Section 554.5102
34 y. “Merchant”..... Section 554.2104
35 z. “Negotiable instrument”..... Section 554.3104

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- 1 aa. "Nominated person" Section 554.5102
- 2 ab. "Note" Section 554.3104
- 3 ac. "Proceeds of a letter of credit" Section 554.5114
- 4 ad. "Prove" Section 554.3103
- 5 ae. "Sale" Section 554.2106
- 6 af. "Securities account" Section 554.8501
- 7 ag. "Securities intermediary" Section 554.8102
- 8 ah. "Security" Section 554.8102
- 9 ai. "Security certificate" Section 554.8102
- 10 aj. "Security entitlement" Section 554.8102
- 11 ak. "Uncertificated security" Section 554.8102

DIVISION III

INTERNAL REFERENCE CHANGES

14 Sec. 148. Section 225C.28B, subsection 2, Code 2011, is
15 amended to read as follows:

16 2. *Insurance protection.* Pursuant to section 507B.4,
17 subsection 7 3, paragraph "g", a person or designated group of
18 persons shall not be denied insurance coverage by reason of
19 mental retardation, a developmental disability, brain injury,
20 or chronic mental illness.

21 Sec. 149. Section 225C.29, Code 2011, is amended to read as
22 follows:

23 **225C.29 Compliance.**

24 Except for a violation of section 225C.28B, subsection
25 2, the sole remedy for violation of a rule adopted by the
26 commission to implement sections 225C.25 through 225C.28B shall
27 be by a proceeding for compliance initiated by request to the
28 division pursuant to chapter 17A. Any decision of the division
29 shall be in accordance with due process of law and is subject
30 to appeal to the Iowa district court pursuant to sections
31 17A.19 and 17A.20 by any aggrieved party. Either the division
32 or a party in interest may apply to the Iowa district court
33 for an order to enforce the decision of the division. Any
34 rules adopted by the commission to implement sections 225C.25
35 through 225C.28B do not create any right, entitlement, property



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1 or liberty right or interest, or private cause of action for
2 damages against the state or a political subdivision of the
3 state or for which the state or a political subdivision of the
4 state would be responsible. Any violation of section 225C.28B,
5 subsection 2, shall solely be subject to the enforcement by the
6 commissioner of insurance and penalties granted by chapter 507B
7 for a violation of section 507B.4, subsection 7 3, paragraph
8 "g".

9 Sec. 150. Section 455B.473, subsection 4, Code Supplement
10 2011, is amended to read as follows:

11 4. An owner or operator of a storage tank described in
12 section 455B.471, subsection 11, paragraph ~~"a"~~ "b", subparagraph
13 (1), subparagraph division (a), which brings the tank into
14 use after July 1, 1987, shall notify the department of the
15 existence of the tank within thirty days. The registration
16 of the tank shall be accompanied by a fee of ten dollars to
17 be deposited in the storage tank management account. A tank
18 which is existing before July 1, 1987, shall be reported to the
19 department by July 1, 1989. Tanks under this section installed
20 on or following July 1, 1987, shall comply with underground
21 storage tank regulations adopted by rule by the department.

22 Sec. 151. Section 491.5, subsection 8, Code 2011, is amended
23 to read as follows:

24 8. Any provision eliminating or limiting the personal
25 liability of a director to the corporation or its shareholders
26 or members for money damages as provided in section 490.202,
27 subsection 2, paragraph ~~"d"~~, except that section 490.202,
28 subsection 2, paragraph ~~"d"~~, subparagraph (1), subparagraph ~~(3)~~
29 division (c), shall have no application.

30 Sec. 152. Section 507B.7, subsection 1, paragraph c, Code
31 Supplement 2011, is amended to read as follows:

32 c. Payment of interest at the rate of ten percent per
33 annum if the commissioner finds that the insurer failed to pay
34 interest as required under section 507B.4, subsection ~~16~~ 3,
35 paragraph "p".



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1 Sec. 153. Section 512B.13, Code 2011, is amended to read as
2 follows:

3 **512B.13 Institutions.**

4 A society may create, maintain, and operate, or may
5 establish organizations to operate, not-for-profit institutions
6 to further the purposes permitted by section 512B.6, subsection
7 1, paragraph ~~"b"~~ "a", subparagraph (2). The institutions may
8 furnish services free or at a reasonable charge. Any real or
9 personal property owned, held, or leased by the society for
10 this purpose shall be reported in every annual statement. A
11 not-for-profit institution so established is a charitable
12 institution with all the rights, benefits, and privileges given
13 to charitable institutions under the Constitution and laws of
14 the State of Iowa. The commissioner may adopt appropriate
15 rules and reporting requirements.

16 Sec. 154. Section 515E.4, subsection 4, Code Supplement
17 2011, is amended to read as follows:

18 4. *Compliance with unfair claim settlement practices law.* A
19 risk retention group, its agents, and representatives, shall
20 comply with the unfair claim settlement practices law in
21 section 507B.4, subsection ~~10~~ 3, paragraph "j".

22 Sec. 155. Section 524.302, subsection 2, paragraph c, Code
23 2011, is amended to read as follows:

24 c. A provision eliminating or limiting the personal
25 liability of a director to the corporation or its shareholders
26 for monetary damages for breach of fiduciary duty as a
27 director, provided that the provision does not eliminate
28 or limit the liability of a director for any breach of
29 the director's duty of loyalty to the corporation or its
30 shareholders, for acts or omissions not in good faith or which
31 involve intentional misconduct or a knowing violation of law,
32 for any transaction from which the director derives an improper
33 personal benefit, or under section 524.605, subsection 1,
34 paragraph "a" or ~~2~~ "b". A provision shall not eliminate or
35 limit the liability of a director for any act or omission



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1 occurring prior to the date when the provision in the articles
 2 of incorporation becomes effective.

3 Sec. 156. Section 536A.30, subsection 2, Code 2011, is
 4 amended to read as follows:

5 2. Section 536A.10, ~~subsections 2, 3, and 4~~ subsection 1,
 6 paragraphs "b", "c", and "d".

7 DIVISION IV

8 DIRECTIVES

9 Sec. 157. CODE EDITOR DIRECTIVES.

10 1. Sections 175.6, subsection 12; and 331.652, subsection
 11 4, Code 2011, are amended by striking the word "co-operation"
 12 and inserting in lieu thereof the word "cooperation".

13 2. Sections 28D.1, 321.6, and 341A.17, Code 2011, are
 14 amended by striking the word "co-operation" and inserting in
 15 lieu thereof the word "cooperation".

16 3. Sections 13A.9, subsection 2; 29C.1, subsection 3;
 17 169.19, subsection 5; 175.6, subsection 5; 273.9, subsection 2;
 18 and 403.12, subsection 1, Code 2011, are amended by striking
 19 the word "co-operate" and inserting in lieu thereof the word
 20 "cooperate".

21 4. Sections 177A.4, 199.14, 249.12, and 321.6, Code 2011,
 22 are amended by striking the word "co-operate" and inserting in
 23 lieu thereof the word "cooperate".

24 5. Section 179.1, subsection 5, Code 2011, is amended by
 25 striking the word "co-operatives" and inserting in lieu thereof
 26 the word "cooperatives".

27 6. Sections 185.1, subsection 5; 185C.1, subsection 7;
 28 215A.1, subsection 4; and 419.1, subsection 4, Code 2011, are
 29 amended by striking the word "co-operative" and inserting in
 30 lieu thereof the word "cooperative".

31 7. Sections 263B.3, 456A.29, and 456B.10, Code 2011, are
 32 amended by striking the word "co-operative" and inserting in
 33 lieu thereof the word "cooperative".

34 8. Section 275.56, Code 2011, is amended by striking the
 35 word "re-employing" and inserting in lieu thereof the word



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1 "reemploying".

2 9. Section 275.56, Code 2011, is amended by striking the
3 word "re-employed" and inserting in lieu thereof the word
4 "reemployed".

5 10. Sections 341A.6, subsection 6; and 411.21, subsection
6 3, Code 2011, are amended by striking the word "re-employed"
7 and inserting in lieu thereof the word "reemployed".

8 11. The Code editor is directed to number, renumber,
9 designate, or redesignate to eliminate unnumbered paragraphs
10 within sections 491.5, 491.111, 496C.21, 499.47C, 499.67,
11 499A.2A, 501.617, 507A.3, 507C.12, 510.2, 511.10, 514B.4,
12 514B.14, 514B.20, 515.70, 515F.3, 515G.3, 518.11, 524.224,
13 524.604, 524.801, 524.825, 524.1102, 524.1508, 538.5, 544A.11,
14 544A.21, 544A.25, 544B.9, 544B.14, 544C.3, 548.103, 548.113,
15 552.5, and 552.12, Code 2011, in accordance with established
16 Code section hierarchy and correct internal references in the
17 Code and in any enacted Iowa Acts, as necessary.

18 12. The Code editor is directed to number, renumber,
19 designate, or redesignate to eliminate unnumbered paragraphs
20 within section subunits in sections 490.120, subsection
21 7; 490.121, subsection 1; 490.744, subsection 4; 490.824,
22 subsection 4; 490.1301, subsection 4; 490.1701, subsection 2;
23 490.1701, subsection 3, paragraph "b"; 496B.9, subsection 3,
24 paragraph "b"; 499.30, subsection 2, paragraph "a"; 499.66,
25 subsection 2; 500.3, subsection 2; 501A.206, subsection 1;
26 501A.502, subsection 3; 501A.715, subsection 3; 501A.904,
27 subsection 7; 501A.906, subsection 2; 501A.1003, subsection
28 4, paragraph "b"; 502.321B, subsection 5; 502.509, subsection
29 13B; 502A.1, subsection 4; 504.202, subsection 2, paragraph
30 "d"; 504.503, subsection 1; 504.635, subsection 4; 504.1509,
31 subsection 1; 507.10, subsection 4, paragraph "b", subparagraph
32 (1); 508.36, subsection 2, paragraph "d"; 508.36, subsection
33 5, paragraph "c", subparagraph (1), subparagraph division (c),
34 subparagraph subdivision (v); 508.36, subsections 7 and 9;
35 508.37, subsection 6, paragraph "a"; 508.38, subsection 2;

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1 509B.3, subsection 4; 513B.4, subsection 2; 513C.3, subsection
2 15; 513C.7, subsection 1; 513C.10, subsection 2; 514C.4,
3 subsection 1; 514D.5, subsection 2; 515.12, subsection 5;
4 515.48, subsections 1 and 8; 515.109, subsection 2; 515A.18,
5 subsection 3; 515B.5, subsection 1, paragraph "c"; 515B.6,
6 subsection 1; 515D.2, subsection 2; 515F.5, subsection 1;
7 515F.13, subsection 2, paragraph "d"; 516A.2, subsection 1;
8 516E.3, subsection 1, paragraph "c"; 516E.3, subsection 2,
9 paragraph "b"; 518C.6, subsection 1, paragraph "c"; 518C.7,
10 subsection 1; 519A.3, subsection 3; 519A.4, subsection 1;
11 519A.9, subsection 2; 521A.5, subsection 3, paragraphs "a" and
12 "b"; 521A.14, subsection 7; 521B.3, subsection 3; 521C.11,
13 subsection 1; 521D.2, subsection 3; 521E.10, subsection
14 1; 522B.14, subsections 6, 7, and 8; 523C.5, subsection 1;
15 523D.3, subsection 1, paragraph "n"; 523D.5, subsection 3;
16 523G.6, subsection 3; 523I.316, subsection 3, paragraph "d";
17 523I.508, subsections 2 and 3; 523I.812, subsection 2; 524.103,
18 subsection 17; 524.606, subsection 2; 524.1403, subsection
19 2; 527.5, subsection 3; 536A.20, subsection 3; 536A.25,
20 subsection 2; 537.1301, subsection 45; 537.2501, subsection 1,
21 paragraph "f"; 537.2510, subsection 2, paragraph "a"; 537.3612,
22 subsection 4; 537.5110, subsection 2; 537.5201, subsection 1;
23 537A.10, subsections 9 and 11; 537B.3, subsection 2; 543C.4,
24 subsection 5; 546.10, subsection 3; 548.102, subsection 5;
25 551A.3, subsection 2; 551A.4, subsection 1, paragraph "b";
26 552A.2, subsection 6; 554.2103, subsection 2; 554.4104,
27 subsection 2; 554.5102, subsection 2; 554.8102, subsection 1,
28 paragraph "i"; 554.8102, subsection 2; 554.8503, subsection
29 4; 554.12105, subsections 2 and 3; and 554.13103, subsections
30 2 and 3, Code and Code Supplement 2011, in accordance with
31 established Code section hierarchy and correct internal
32 references in the Code and in any enacted Iowa Acts, as
33 necessary.

34
35

DIVISION V
EFFECTIVE DATE PROVISIONS

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1 the missing word "of" in this provision relating to the
2 annual review of economic development programs by the economic
3 development authority.

4 Code section 15.247: Redesignates paragraphs to set apart
5 provisions relating to term limits for members of the targeted
6 small business financial assistance board from those relating
7 to conflicts of interest.

8 Code section 15A.9: Numbers unnumbered paragraphs within
9 this provision relating to designation of sites as quality jobs
10 enterprise zones.

11 Code sections 34A.15 and 80B.11C: Updates references by
12 name to the organizations now called the Iowa professional
13 fire fighters, the Iowa peace officers association,
14 and the association of public-safety communications
15 officials-international, inc., in provisions relating to the
16 E911 communications council and telecommunicator training
17 standards.

18 Code sections 80B.11A, 80E.2, 356.36, and 356.37: Updates
19 references by name to the organization now called the Iowa
20 peace officers association in provisions relating to the
21 membership of the drug policy advisory council, jail and jailer
22 training standards, and a report on confinement and detention
23 needs of jails and municipal holding facilities.

24 Code section 96.27: Strikes an incorrect self-reference
25 in a reference to Code section 96.25 in language relating
26 to approval of purchases of premises with funds granted
27 or credited under the federal Social Security Act or the
28 Wagner-Peyser Act.

29 Code section 99D.11: Corrects references to the method of
30 wagering known as "advance deposit" wagering in the provision
31 governing licensees of horse or dog racetracks and authorizing
32 the acceptance of advance deposit wagers.

33 Code sections 100B.1 and 411.36: Updates references by
34 name to the organization now called the Iowa professional fire
35 fighters in provisions regarding the state fire service and



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1 emergency response council and the board of trustees for the
2 statewide fire and police retirement system.

3 Code section 105.2: Changes "refrigerated equipment" to
4 "refrigeration equipment" within the definition of "hydronic"
5 in the Code chapter on the licensing of plumbers, mechanical
6 professionals, and contractors.

7 Code sections 124.401, 161G.3, and 456A.33B: Corrects
8 the spelling of the chemical name "phosphorus" in provisions
9 relating to controlled substances, the Mississippi river basin
10 health watersheds initiative, and lake restoration.

11 Code section 135.105: Corrects the spelling of the word
12 "specialty" within language describing the duty of the
13 department of public health to coordinate childhood lead
14 poisoning prevention programs with other entities and programs.

15 Code sections 135.159, 225B.3, 225C.6, 231E.4, 249A.4B,
16 and 256.35A: Updates references by name to the organization
17 now called the Iowa developmental disabilities council in
18 provisions regarding the membership of the medical home
19 system advisory council, the prevention of disabilities
20 policy council, the medical assistance advisory council, and
21 the Iowa autism council, and the duties of the mental health
22 and disability services commission and the state office of
23 substitute decision maker.

24 Code sections 162.20 and 455B.171: Completes Code of
25 Federal Regulations references in provisions regarding the
26 sterilization of dogs and cats and sewage sludge.

27 Code section 241.3: Corrects a reference to the office
28 on the status of women of the department of human rights in
29 a provision regarding the provision of services to displaced
30 homemakers by the department of human services.

31 Code section 256.32: Corrects a reference by name to the
32 postsecondary agriculture student organization of Iowa in a
33 provision establishing the advisory council for agricultural
34 education.

35 Code section 256C.5: Adds the words "Code 2011" after a

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1 reference to 256C.6, which was repealed in 2011, in language
 2 relating to funding for the preschool foundation aid program.
 3 Code sections 260H.2 and 260H.8: Corrects two references by
 4 name to the department of workforce development in the pathways
 5 for academic career and employment Act chapter.
 6 Code sections 273.2 and 273.3: Rewrites two citation series
 7 to eliminate internal self-references in provisions relating
 8 to the powers and duties of area education agencies and area
 9 education agency boards.
 10 Code section 280.13C: Renumbers, reorganizes, and places
 11 definitions in alphabetical order in language relating to
 12 school policies on brain injury and student participation in
 13 extracurricular interscholastic activities.
 14 Code sections 313.3, 410.1, and 451.1: Updates state and
 15 federal Acts citations to the current Code style and format in
 16 provisions relating to federal highway fund revenue, police and
 17 fire fighter pension funds, and state estate taxes.
 18 Code sections 331.512 and 331.559: Corrects the name
 19 of the brucellosis and tuberculosis eradication fund in
 20 provisions relating to levy of taxes for the fund. The fund
 21 was renamed and placed under the jurisdiction of the department
 22 of agriculture and land stewardship in 1983 Iowa Acts, chapter
 23 123.
 24 Code section 403.21: Strikes an extraneous "and" in a
 25 series in language relating to communications between community
 26 colleges and the economic development authority regarding new
 27 jobs training agreements.
 28 Code section 437A.3: Renumbers to eliminate unnumbered
 29 paragraphs within the definitions of "local amount" and "major
 30 addition" in the definitions section for the chapter on taxes
 31 on electricity and natural gas providers.
 32 Code sections 452A.5 and 452A.8: Renumbers to eliminate
 33 unnumbered paragraphs within these provisions relating to motor
 34 fuel and special fuel taxes.
 35 Code section 453A.13: Eliminates redundant language and

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1 adds punctuation to a series in language relating to fees for
2 cigarette distributor, wholesaler, and retailer permits.

3 Code section 455B.261: Splits a paragraph and renumbers
4 within a definition of the term "established average minimum
5 flow" in the definitions section that relates to water
6 allocation and use to distinguish the separate definition of
7 "average minimum flow".

8 Code section 455B.423: Adds the word "to" to conform the
9 grammar of the subparagraph regarding hazardous waste disposal
10 agreements to the grammar of the rest of the paragraph.

11 Code section 455B.471: Renumbers within a definition of
12 "underground storage tank" to group together the provisions
13 that describe the tanks and other holding devices that do not
14 fall within the definition.

15 Code section 455B.474: Corrects internal references within
16 provisions regarding corrective actions by owners of property
17 on which there has been a release of a regulated substance from
18 an underground storage tank and establishment of financial
19 responsibility by tank owners.

20 Code section 462A.52: Corrects a citation to an Iowa Act by
21 adding the word "Iowa" in this provision relating to a report
22 by the department of natural resources on programs to control
23 aquatic invasive species and for the enforcement of navigation
24 and water safety laws.

25 Code section 466B.3: Completes a reference to the official
26 title of the secretary of agriculture in language describing
27 the membership of the water resources coordinating council.

28 Code section 468.174: Numbers and letters paragraphs to
29 provide hierarchical Code structure to language relating
30 to drainage district membership fees and annual dues for
31 membership in the national drainage association.

32 Section 476.1: Redesignates unnumbered paragraphs and
33 subsections to conform this provision relating to the
34 regulatory authority of the utilities board to current Code
35 hierarchy and format.

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1 Code section 476.1D: Corrects an internal reference by
 2 changing the word "paragraph" to "subparagraph" within a
 3 provision relating to extensions of utility board retail
 4 rate jurisdiction over increases in residential and business
 5 telephone rates.

6 Code sections 499.47B, 499.64, 501.203, 501.204, 501.601,
 7 and 501.603: Adds the word "vote" after the word "which" in
 8 nearly identical language in each of these Code provisions
 9 which describe the majority requirements that must be met
 10 in order for cooperatives to engage in various types of
 11 activities.

12 Code section 501.614: Rewrites by replacing the words "in
 13 which" with "and" and adding "in the voting" at the end of
 14 language relating to the majority requirements that must be
 15 met in order for a cooperative to approve a plan of merger or
 16 consolidation.

17 Code section 524.221: Corrects a typographical error in a
 18 language relating to records of federally chartered savings and
 19 loan associations.

20 Code section 558.66: Adds the missing word "in" to correct
 21 a clerical error in language relating to instruments used to
 22 update the county transfer books and index.

23 2011 Iowa Acts, chapter 121, section 60: Corrects a singular
 24 article and plural noun disagreement within a future amendment
 25 to Code section 602.4201, effective July 1, 2012, to language
 26 regarding involuntary commitment proceedings for persons with
 27 alcohol or chemical dependency disorders.

28 Code section 717.5: Adds the missing word "of" to correct
 29 a clerical error in language relating to the maintaining and
 30 disposal of neglected livestock that has been rescued by local
 31 authorities.

32 DIVISION II. The Code sections in this division are amended
 33 by numbering, renumbering, designating, or redesignating
 34 provisions within volume V of the Code, and by changing
 35 textual references as necessary. The purposes of the Code

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1 changes are to conform the Code provisions to existing Code
2 section hierarchy, to eliminate "unanchored" unnumbered
3 paragraphs within the Code sections, to facilitate Code section
4 readability, and to facilitate citation to those Code sections.

5 DIVISION III. This division contains corrections to
6 internal references to Code sections that are numbered,
7 renumbered, designated, or redesignated in division II of this
8 bill.

9 DIVISION IV. This division contains Code editor directives
10 to correct hyphenation in the words "cooperation", "cooperate",
11 "cooperative", "reemploying", and "reemployed" and to number,
12 renumber, designate, or redesignate Code provisions to
13 eliminate "unanchored" unnumbered paragraphs in Code provisions
14 in volume V of the Code that do not require any additional
15 textual reference corrections.

16 DIVISION V. This division contains an effective date
17 provision relating to a corrective change to 2011 Iowa Acts,
18 chapter 121, section 60, that is contained in division I of the
19 bill.



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House Study Bill 607 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON SODERBERG)

A BILL FOR

1 An Act relating to the provision of evidence of insurance to
2 insureds and related real property lenders, and providing
3 penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6036HC (4) 84
av/nh



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1 Section 1. Section 507B.4, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 20. *Evidence of insurance.* Any violation
4 of section 515.139A.

5 Sec. 2. NEW SECTION. 515.139A **Evidence of insurance.**

6 1. As used in this section, unless the context otherwise
7 requires:

8 *a. "Evidence" or "evidence of insurance" means a binder*
9 *or certificate of insurance that does not expire prior to,*
10 *or is otherwise automatically renewed until, delivery of the*
11 *related policy, and specifies the insurance coverage issued or*
12 *to be issued under the policy in reasonable detail as well as*
13 *indicating the mortgagee, loss payee, and additional insureds*
14 *as applicable. A certificate of insurance containing language*
15 *to the effect that the certificate is provided "for information*
16 *only" is not "evidence" or "evidence of insurance".*

17 *b. "Policy" means a contract of insurance, inclusive of*
18 *all endorsements, amendments, and supplemental information*
19 *evidencing any exclusions or conditions which are applicable*
20 *to the contract of insurance.*

21 *c. "Real property lender" means a person or a person's*
22 *successors or assigns holding a mortgage or instrument creating*
23 *a lien with an insurable interest in the insured real property.*

24 2. An insurer or an insurance producer shall deliver a
25 policy to the insured and to the related real property lender
26 no later than thirty days following the policy effective date,
27 including each annual renewal effective date, or following
28 payment of the required premium, whichever occurs earlier. In
29 lieu of delivering the original policy, the insurer or the
30 insurance producer may provide the insured and related real
31 property lender with evidence of insurance, so long as the
32 evidence remains effective until delivery of the policy.

33 3. An insured and a real property lender may rely on
34 evidence of insurance, including as admissible proof of
35 insurance in any private civil action or administrative

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1 proceeding.

2 4. This section is applicable to all insureds and insurers
3 associated with insurance coverage on property, operations, or
4 risks located in this state, regardless of where the insured
5 or insurer is located.

6 5. This section shall not be construed to prevent a real
7 property lender from requiring that a borrower secure and
8 maintain insurance coverage in connection with a residential or
9 commercial real estate loan and provide such lender with a copy
10 of the policy or evidence of insurance as a condition of making
11 the loan and annually at each policy renewal date.

12 6. The commissioner may adopt rules pursuant to chapter 17A
13 to carry out the provisions of this section.

14 7. A person who fails to comply with the provisions of this
15 section or rules adopted pursuant to this section is subject to
16 the provisions of chapter 507B.

17 EXPLANATION

18 This bill relates to the provision of evidence of insurance
19 to an insured and to a related real property lender that has
20 a mortgage or lien on the insured's real property. The bill
21 defines "evidence" or "evidence of insurance" as a binder or
22 certificate of insurance that does not expire prior to, or is
23 automatically renewed until, delivery of the related insurance
24 policy. The evidence of insurance must specify the insurance
25 coverage issued or to be issued under the policy in reasonable
26 detail and indicate the parties to the insurance policy. A
27 certificate of insurance that contains language to the effect
28 that it is for information only does not constitute evidence
29 of insurance.

30 The bill requires an insurer or insurance producer to
31 deliver an insurance policy to the insured and related real
32 property lender no later than 30 days following the policy
33 effective or renewal date, or when the required premium is
34 paid, whichever occurs earlier. In lieu of delivering the
35 policy, the insurer or insurance producer may provide evidence

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1 of insurance, so long as the evidence remains effective until
2 delivery of the insurance policy.

3 An insured and a real property lender may rely on evidence of
4 insurance, including as admissible proof of insurance in any
5 private civil action or administrative proceeding.

6 The bill is applicable to all insureds and insurers
7 associated with insurance coverage on property, operations, or
8 risks located in this state regardless of where the insured or
9 insurer is located.

10 A violation of the provisions of the bill constitutes an
11 illegal insurance trade practice under Code chapter 507B
12 and may be punishable with a cease and desist order, civil
13 penalties, and license suspension or revocation as provided in
14 that Code chapter.



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House Study Bill 608 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON SODERBERG)

A BILL FOR

1 An Act authorizing charitable auctions for alcoholic spirits.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6023YC (1) 84
ec/nh



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H.F. _____

1 Section 1. Section 123.173A, Code 2011, is amended to read
2 as follows:

3 **123.173A Charity beer, spirits, and wine auction permit.**

4 1. For purposes of this section, "*authorized nonprofit*
5 *entity*" includes a nonprofit entity which has a principal office
6 in the state, a nonprofit corporation organized under chapter
7 504, or a foreign corporation as defined in section 504.141,
8 whose income is exempt from federal taxation under section
9 501(c) of the Internal Revenue Code.

10 2. An authorized nonprofit entity may, upon application to
11 the division and receipt of a charity beer, spirits, and wine
12 auction permit from the division, conduct a charity auction
13 which includes beer, spirits, and wine. The application shall
14 specify the date and time when the charity beer, spirits, and
15 wine auction is to be conducted and the premises in this state
16 where the charity beer, spirits, and wine auction is to be
17 physically conducted. The applicant shall certify that the
18 objective of the charity beer, spirits, and wine auction is
19 to raise funds solely to be used for educational, religious,
20 or charitable purposes and that the entire proceeds from the
21 charity beer, spirits, and wine auction are to be expended for
22 any of the purposes described in section 423.3, subsection 78.

23 3. An authorized nonprofit entity shall be eligible to
24 receive only two charity beer, spirits, and wine auction
25 permits during a calendar year and each charity beer, spirits,
26 and wine auction permit shall be valid for a period not to
27 exceed thirty-six consecutive hours.

28 4. The authorized nonprofit entity conducting the charity
29 beer, spirits, and wine auction shall obtain the beer, spirits,
30 and wine to be auctioned at the charity beer, spirits, and
31 wine auction from an Iowa retail beer permittee, an Iowa
32 retail alcoholic liquor permittee, an Iowa micro-distilled
33 spirits permittee, or an Iowa retail wine permittee, or may
34 receive donations of beer, spirits, or wine to be auctioned at
35 the charity beer, spirits, and wine auction ~~from persons who~~

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~~1 purchased the donated beer or wine from an Iowa retail beer
2 permittee or an Iowa retail wine permittee and who present
3 a receipt documenting the purchase at the time the beer or
4 wine is donated. The authorized nonprofit entity conducting
5 the charity beer and wine auction shall retain a copy of the
6 receipt for a period of one year from the date of the charity
7 beer and wine auction.~~

8 5. Persons shall be physically present at the charity
9 beer, spirits, and wine auction to be eligible to bid on beer,
10 spirits, and wine sold at the charity auction.

11 6. The beer, spirits, and wine sold at the charity beer,
12 spirits, and wine auction shall be in original containers
13 for consumption off of the premises where the charity beer,
14 spirits, and wine auction is conducted. No other alcoholic
15 beverage may be sold by the charity beer, spirits, and wine
16 auction permittee at the charity beer, spirits, and wine
17 auction. A purchaser of beer, spirits, or wine at a charity
18 beer, spirits, and wine auction shall not take possession of
19 the beer, spirits, or wine until the person is leaving the
20 event. A purchaser of beer, spirits, or wine at a charity
21 beer, spirits, and wine auction shall not open the container
22 or consume or permit the consumption of the beer, spirits, or
23 wine purchased on the premises where the charity beer, spirits,
24 and wine auction is conducted. A purchaser of beer, spirits,
25 or wine at a charity beer, spirits, and wine auction shall not
26 resell the beer, spirits, or wine.

27 7. A liquor control licensee, beer permittee,
28 micro-distilled spirits permittee, or wine permittee shall not
29 purchase beer, spirits, or wine at a charity beer, spirits, and
30 wine auction. The charity beer, spirits, and wine auction may
31 be conducted on a premises for which a class "B" liquor control
32 license or class "C" liquor control license has been issued,
33 provided that the liquor control licensee does not participate
34 in the charity beer, spirits, and wine auction, supply beer,
35 spirits, or wine to be auctioned at the charity beer, spirits,

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1 and wine auction, or receive any of the proceeds of the charity
2 beer, spirits, and wine auction.

3 Sec. 2. Section 123.179, subsection 5, Code 2011, is amended
4 to read as follows:

5 5. The fee for a charity beer, spirits, and wine auction
6 permit is one hundred dollars.

7 EXPLANATION

8 Code section 123.173A, providing for a charity beer and wine
9 auction permit, is amended to allow the auction of alcoholic
10 spirits. In addition, the Code section is amended to allow
11 the auctioning of beer, spirits, and wine that is donated
12 without the requirement that the beer, spirits, or wine donated
13 be purchased from an Iowa retailer and that a copy of the
14 purchase receipt be retained by the authorized nonprofit entity
15 conducting the auction.



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House Study Bill 609 - Introduced

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

A BILL FOR

1 An Act granting authority to temporarily designate a substance
2 a controlled substance and classifying certain substances
3 as schedule I controlled substances, making penalties
4 applicable, and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5298DP (9) 84
jm/rj



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S.F. _____ H.F. _____

1 Section 1. Section 124.201, subsection 4, Code 2011, is
 2 amended to read as follows:
 3 4. If any new substance is designated as a controlled
 4 substance under federal law and notice of the designation is
 5 given to the board, the board shall similarly designate as
 6 controlled the new substance under this chapter after the
 7 expiration of thirty days from publication in the Federal
 8 Register of a final order designating a new substance as a
 9 controlled substance, unless within that thirty-day period
 10 the board objects to the new designation. In that case the
 11 board shall publish the reasons for objection and afford
 12 all interested parties an opportunity to be heard. At
 13 the conclusion of the hearing the board shall announce its
 14 decision. Upon publication of objection to a new substance
 15 being designated as a controlled substance under this chapter
 16 by the board, control under this chapter is stayed until the
 17 board publishes its decision. If any new substance has not
 18 been designated a controlled substance under federal law and
 19 the board finds that the substance poses an imminent hazard
 20 to public safety, the board may designate the substance
 21 a controlled substance. If a substance is designated as
 22 controlled by the board under this ~~paragraph~~ subsection the
 23 control shall be temporary and if within sixty days after
 24 the next regular session of the general assembly convenes it
 25 has not made the corresponding changes in this chapter, the
 26 temporary designation of control of the substance by the board
 27 shall be nullified.
 28 Sec. 2. Section 124.204, subsection 4, paragraph ai, Code
 29 Supplement 2011, is amended by striking the paragraph and
 30 inserting in lieu thereof the following:
 31 *ai.* (1) Salvia divinorum.
 32 (2) Salvinorin A.
 33 (3) HU-210. [(6aR,10aR)-9-(hydroxymethyl)-6,6-
 34 dimethyl-3-(2-methyloctan-2-yl) 6a,7,10,10a-tetrahydrobenzo[c]
 35 chromen-1-ol].

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1 (4) HU-211(dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-
2 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
3 chromen-1-ol).

4 (5) Unless specifically exempted or unless listed in
5 another schedule, any material, compound, mixture, or
6 preparation which contains any quantity of cannabimimetic
7 agents, or which contains their salts, isomers, and salts of
8 isomers whenever the existence of such salts, isomers, and
9 salts of isomers is possible within the specific chemical
10 designation.

11 (a) The term "*cannabimimetic agents*" means any substance
12 that is a cannabinoid receptor type 1 (CB1 receptor) agonist as
13 demonstrated by binding studies and functional assays within
14 any of the following structural classes:

15 (i) 2-(3-hydroxycyclohexyl)phenol with substitution at the
16 5-position of the phenolic ring by alkyl or alkenyl, whether or
17 not substituted on the cyclohexyl ring to any extent.

18 (ii) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole
19 by substitution at the nitrogen atom of the indole ring,
20 whether or not further substituted on the indole ring to any
21 extent, whether or not substituted on the naphthoyl or naphthyl
22 ring to any extent.

23 (iii) 3-(1-naphthoyl)pyrrole by substitution at the
24 nitrogen atom of the pyrrole ring, whether or not further
25 substituted in the pyrrole ring to any extent, whether or not
26 substituted on the naphthoyl ring to any extent.

27 (iv) 1-(1-naphthylmethylene)indene by substitution of
28 the 3-position of the indene ring, whether or not further
29 substituted in the indene ring to any extent, whether or not
30 substituted on the naphthyl ring to any extent.

31 (v) 3-phenylacetylindole or 3-benzoylindole by substitution
32 at the nitrogen atom of the indole ring, whether or not further
33 substituted in the indole ring to any extent, whether or not
34 substituted on the phenyl ring to any extent.

35 (b) Such terms include:

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- 1 (i) CP 47, 497 and homologues 2-[(1R, 3S)-3-
- 2 hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol).
- 3 (ii) JWH-018 and AM678 1-Pentyl-3-(1-naphthoyl)indole.
- 4 (iii) JWH-073 1-Butyl-3-(1-naphthoyl)indole.
- 5 (iv) JWH-200 [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-
- 6 naphthalenyl-methanone.
- 7 (v) JWH-19 1-hexyl-3-(1-naphthoyl)indole.
- 8 (vi) JWH-81 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole.
- 9 (vii) JWH-122 1-pentyl-3-(4-methyl-1-naphthoyl)indole.
- 10 (viii) JWH-250 1-pentyl-3-(2-methoxynaphthoyl)indole.
- 11 (ix) RCS-4 and SR-19 1-pentyl-3-[(4methoxy)-benzoyl]indole.
- 12 (x) RCS-8 and SR-18 1-cyclohexylethyl-3-
- 13 (-2-methoxyphenylacetyl)indole.
- 14 (xi) AM2201 1-(5-fluoropentyl)-3-(1-naphthoyl)indole.
- 15 (xii) JWH-203 1-pentyl-3-(2-chlorophenylacetyl)indole.
- 16 (xiii) JWH-398 1-pentyl-3-(4-chloro-1-naphthoyl)indole.
- 17 (xiv) AM694 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.
- 18 (xv) Cannabicyclohexanol or CP-47,497 C8-homolog
- 19 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol.
- 20 Sec. 3. Section 124.204, subsection 6, Code Supplement
- 21 2011, is amended by adding the following new paragraph:
- 22 NEW PARAGRAPH. *i.* Any substance, compound, mixture or
- 23 preparation which contains any quantity of any synthetic
- 24 cathinone that is not approved as a pharmaceutical, including
- 25 but not limited to the following:
- 26 (1) Mephedrone, also known as 4-methylmethcathinone,(RS)-2-
- 27 methylamino-1-(4-methylphenyl) propan-1-one.
- 28 (2) Methylene-dioxypyrovalerone(MDPV)[(1-(1,3-
- 29 Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone].
- 30 (3) Methylone, also known as
- 31 3,4-methylenedioxymethcathinone.
- 32 (4) Naphthylpyrovalerone (naphyrone).
- 33 (5) 4-fluoromethcathinone(flephedrone) or a positional
- 34 isomer of 4-fluoromethcathinone.
- 35 (6) 4-methoxymethcathinone (methedrone;Bk-PMMA).

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- 1 (7) Ethcathinone.
- 2 (8) 3,4-methylenedioxyethcathinone(ethylone).
- 3 (9) Beta-keto-N-methyl-3,4-benzodioxolybutanamine
- 4 (butylone).
- 5 (10) N,N-dimethylcathinone(metamfepramone).
- 6 (11) Alpha-pyrrolidinopropiophenone (alpha-PPP).
- 7 (12) 4-methoxy-alpha-pyrrolidinopropiophenone (MOPPP).
- 8 (13) 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone
- 9 (MDPPP).
- 10 (14) Alpha-pyrrolidinovalerophenone (alpha-PVP).
- 11 (15) 6,7-dihydro-5H-indeno(5,6-d)-1,3-dioxal-6 6-amine)
- 12 (MDAI).
- 13 (16) 3-fluoromethcathinone.
- 14 (17) 4'-Methyl-a-pyrrolidinobutiophenone (MPBP).
- 15 (18) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
- 16 (19) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
- 17 (20) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).
- 18 (21) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
- 19 (22) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine
- 20 (2C-T-2).
- 21 (23) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine
- 22 (2C-T-4).
- 23 (24) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).
- 24 (25) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).
- 25 (26) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).
- 26 Sec. 4. Section 124.401, subsection 1, paragraph d, Code
- 27 Supplement 2011, is amended to read as follows:
- 28 *d.* Violation of this subsection, with respect to any other
- 29 controlled substances, counterfeit substances, or simulated
- 30 controlled substances classified in section 124.204, subsection
- 31 4, paragraph "a", section 124.204, subsection 6, paragraph "i",
- 32 or classified in schedule IV or V is an aggravated misdemeanor.
- 33 However, violation of this subsection involving fifty kilograms
- 34 or less of marijuana or involving flunitrazepam is a class "D"
- 35 felony.

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1 manufacture or deliver such a schedule I controlled substance.
2 It is also an aggravated misdemeanor pursuant to Code
3 section 124.401(1)(d) under the bill for any unauthorized
4 person to manufacture, deliver, or possess with the intent to
5 manufacture or deliver a synthetic cathinone classified as a
6 schedule I controlled substance in Code section 124.204(6)(i)
7 including its counterfeit or simulated form, or to act with,
8 enter into a common scheme or design with, or conspire with one
9 or more persons to manufacture, deliver, or possess with the
10 intent to manufacture or deliver such a schedule I controlled
11 substance.
12 It is also a serious misdemeanor for a first offense
13 violation of Code section 124.401(5) for any unauthorized
14 person to possess a controlled substance classified as a
15 schedule I controlled substance.
16 An aggravated misdemeanor is punishable by confinement for
17 no more than two years and a fine of at least \$625 but not
18 more than \$6,250. A serious misdemeanor is punishable by
19 confinement for no more than one year and a fine of at least
20 \$315 but not more than \$1,875.
21 The bill takes effect upon enactment.



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Senate File 2097

S-5007

1 Amend Senate File 2097 as follows:

2 1. Page 2, by striking lines 29 through 35 and
3 inserting:

4 <NEW SUBSECTION. 7A. *"National guard duty"* means
5 training or other duty authorized and performed under
6 the provisions of 32 U.S.C. including but not limited
7 to 32 U.S.C. § 316, 32 U.S.C. §§ 502 - 505, and 32
8 U.S.C. § 709 as part of the national guard and paid for
9 with federal funds. *"National guard duty"* includes but
10 is not limited to full-time national guard duty and
11 inactive duty training and annual training.>

12 2. By renumbering as necessary.

AMANDA RAGAN

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Senate File 2111

S-5008

1 Amend Senate File 2111 as follows:

2 1. By striking page 2, line 24, through page 3,
3 line 7, and inserting:

4 <NEW SUBSECTION. 4A. *"Homicide victim survivor"*
5 means any of the following:

6 a. A homicide victim's spouse, parent, child,
7 grandparent, aunt, uncle, sibling, grandchild, first
8 cousin, fiance, legal custodian, legal ward, legal
9 guardian, step-parent, step-child, step-sibling, foster
10 child, foster parent, foster sibling, brother-in-law,
11 sister-in-law, mother-in-law, father-in-law,
12 daughter-in-law, or son-in-law.

13 b. A former intimate partner of a homicide victim
14 who has legal guardianship of the victim's children.

15 c. A person cohabiting with a homicide victim at
16 the time of the crime.>

17 2. By renumbering as necessary.

JACK WHITVER



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Senate File 2127 - Introduced

SENATE FILE 2127
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3067)

A BILL FOR

1 An Act relating to matters under the purview and authority of
2 the professional licensing and regulation bureau of the
3 banking division of the department of commerce.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 354.2, subsections 15, 18, and 19, Code
2 2011, are amended to read as follows:

3 15. "*Plat of survey*" means the graphical representation of a
4 survey of one or more parcels of land, including a complete and
5 accurate description of each parcel within the plat, prepared
6 by a ~~registered~~ licensed professional land surveyor.

7 18. "*Subdivision plat*" means the graphical representation
8 of the subdivision of land, prepared by a ~~registered~~ licensed
9 professional land surveyor, having a number or letter
10 designation for each lot within the plat and a succinct name or
11 title that is unique for the county where the land is located.

12 19. "*Surveyor*" means a ~~registered~~ licensed professional land
13 surveyor who engages in the practice of land surveying pursuant
14 to chapter 542B.

15 Sec. 2. Section 354.4, subsection 3, paragraph c, Code 2011,
16 is amended to read as follows:

17 c. The plat shall be signed and dated by a surveyor, bear
18 the surveyor's Iowa ~~registration~~ license number and legible
19 seal, and shall show a north arrow and bar scale.

20 Sec. 3. Section 355.1, subsections 9, 11, and 12, Code 2011,
21 are amended to read as follows:

22 9. "*Plat of survey*" means a graphical representation of a
23 survey of one or more parcels of land, including a complete and
24 accurate description of each parcel within the plat, prepared
25 by a ~~registered~~ licensed professional land surveyor.

26 11. "*Subdivision plat*" means a graphical representation
27 of the subdivision of land, prepared by a ~~registered~~ licensed
28 professional land surveyor, having a number or letter
29 designation for each lot within the plat and a succinct name or
30 title that is unique for the county where the land is located.

31 12. "*Surveyor*" means a ~~registered~~ licensed professional land
32 surveyor who engages in the practice of land surveying pursuant
33 to chapter 542B.

34 Sec. 4. Section 355.6, subsection 1, Code 2011, is amended
35 to read as follows:



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1 1. The surveyor shall confirm the prior establishment of
2 control monuments at each controlling corner on the boundaries
3 of the parcel or tract of land being surveyed. If no control
4 monuments exist, the surveyor shall place the monuments.
5 Control monuments shall be constructed of reasonably permanent
6 material solidly embedded in the ground and capable of being
7 detected by commonly used magnetic or electronic equipment.
8 The surveyor shall affix a cap of reasonably inert material
9 bearing an embossed or stencil cut marking of the Iowa
10 ~~registration~~ license number of the surveyor to the top of each
11 monument which the surveyor places.

12 Sec. 5. Section 355.7, subsection 15, Code 2011, is amended
13 to read as follows:

14 15. The plat shall contain a statement by a surveyor that
15 the work was done and the plat was prepared by the surveyor
16 or under the surveyor's direct personal supervision, shall be
17 signed and dated by the surveyor, and shall bear the surveyor's
18 Iowa ~~registration~~ license number and legible seal.

19 Sec. 6. Section 355.8, subsection 21, Code 2011, is amended
20 to read as follows:

21 21. The plat shall be accompanied by a description of
22 the land included in the subdivision and shall contain a
23 statement by the surveyor that the work was done and the plat
24 was prepared by the surveyor or under the surveyor's direct
25 personal supervision and shall be signed and dated by the
26 surveyor and bear the surveyor's Iowa ~~registration~~ license
27 number and legible seal.

28 Sec. 7. Section 355.11, subsection 2, paragraph f, Code
29 2011, is amended to read as follows:

30 *f.* The certificate shall contain a statement by the surveyor
31 that the work was done and the certificate was prepared by the
32 surveyor or under the surveyor's direct personal supervision
33 and shall be signed and dated by the surveyor and bear the
34 surveyor's Iowa ~~registration~~ license number and seal.

35 Sec. 8. Section 468.3, Code 2011, is amended by adding the

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1 following new subsection:

2 NEW SUBSECTION. 6A. The term "*land surveyor*" shall mean
 3 a person licensed as a professional land surveyor under the
 4 provisions of chapter 542B.

5 Sec. 9. Section 523I.314A, subsection 2, Code 2011, is
 6 amended to read as follows:

7 2. Prior to the sale of interment rights in an undeveloped
 8 area of a cemetery, internal reference markers shall be
 9 installed and maintained no more than one hundred feet apart.
 10 The internal reference markers shall be established with
 11 reference to survey markers that are no more than two hundred
 12 feet apart, have been set by a licensed professional land
 13 surveyor and mapper, and have been documented in a land plat
 14 of survey. Both the map and the land plat of survey shall be
 15 maintained by the cemetery and made available upon request to
 16 the commissioner and to members of the public.

17 Sec. 10. Section 542B.1, Code 2011, is amended to read as
 18 follows:

19 **542B.1 Licensed engineers and surveyors.**

20 A person shall not engage in the practice of engineering or
 21 land surveying in the state unless the person is a licensed
 22 professional engineer or a licensed professional land surveyor
 23 as provided in this chapter, except as permitted by section
 24 542B.26.

25 Sec. 11. Section 542B.2, subsections 7 and 9, Code 2011, are
 26 amended to read as follows:

27 7. The term "*land surveyor*" as used in this chapter shall
 28 mean a person who engages in the practice of professional land
 29 surveying as defined in this section. Unless the context
 30 otherwise requires, any reference in this chapter to "*land*
 31 *surveyor*" or "*land surveying*" means "*professional land surveyor*"
 32 or "*professional land surveying*".

33 9. The term "*professional engineer*" as used in this chapter
 34 means a person, who, by reason of the person's knowledge
 35 of mathematics, the physical sciences, and the principles



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1 of engineering, acquired by professional education or
2 practical experience, is qualified to engage in the practice
3 of engineering. Unless the context otherwise requires, any
4 reference in this chapter to "engineer" or "engineering" means
5 "professional engineer" or "professional engineering".

6 Sec. 12. Section 542B.3, Code 2011, is amended to read as
7 follows:

8 **542B.3 Engineering and land surveying examining board**
9 **created.**

10 An engineering and land surveying examining board is created
11 within the professional licensing and regulation bureau of
12 the banking division of the department of commerce. The
13 board consists of four members who are licensed professional
14 engineers, one member who is a licensed professional land
15 surveyor or a professional engineer who is also a licensed
16 professional land surveyor, and two members who are not
17 licensed professional engineers or licensed professional land
18 surveyors and who shall represent the general public. Members
19 shall be appointed by the governor subject to confirmation by
20 the senate. A licensed member shall be actively engaged in the
21 practice of engineering or land surveying and shall have been
22 so engaged for five years preceding the appointment, the last
23 two of which shall have been in Iowa. Insofar as practicable,
24 licensed engineer members of the board shall be from different
25 branches of the profession of engineering. Professional
26 associations or societies composed of licensed engineers or
27 licensed land surveyors may recommend the names of potential
28 board members whose profession is representative of that
29 association or society to the governor. However, the governor
30 is not bound by the recommendations. A board member shall not
31 be required to be a member of any professional association or
32 society composed of professional engineers or professional land
33 surveyors.

34 Sec. 13. Section 542B.11, Code 2011, is amended to read as
35 follows:

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1 **542B.11 Staff — duties.**

2 The staff shall keep on file a record of all certificates
3 of licensure granted and shall make annual revisions of the
4 record as necessary. ~~In revising the record the staff shall~~
5 ~~communicate biennially by mail with every professional engineer~~
6 ~~and surveyor licensed under this chapter, as provided in~~
7 ~~section 542B.18.~~

8 Sec. 14. Section 542B.14, unnumbered paragraph 1, Code
9 2011, is amended to read as follows:

10 Each applicant for licensure as a professional engineer or
11 professional land surveyor shall have all of the following
12 requirements, respectively, to wit:

13 Sec. 15. Section 542B.14, subsection 2, unnumbered
14 paragraph 1, Code 2011, is amended to read as follows:

15 As a professional land surveyor:

16 Sec. 16. Section 542B.16, subsection 1, Code 2011, is
17 amended to read as follows:

18 1. Each licensee, upon licensure, shall obtain a seal of a
19 design approved by the board, bearing the licensee's name, Iowa
20 license number, and the words "professional engineer" or "~~land~~
21 professional land surveyor" or both, as the case may be. A
22 legible rubber stamp or other facsimile of the seal may be used
23 and shall have the same effect as the use of the actual seal.

24 Sec. 17. Section 542B.17, Code 2011, is amended to read as
25 follows:

26 **542B.17 Certificate Engineer's certificate.**

27 The board shall issue a certificate of licensure as a
28 professional engineer to an applicant who has passed the
29 examination as a professional engineer and who has paid
30 an additional fee. The certificate shall be signed by the
31 chairperson and secretary of the board under the seal of the
32 board. The certificate shall authorize the applicant to engage
33 in the practice of engineering. The certificate shall not
34 carry with it the right to practice land surveying, unless
35 specifically so stated on the certificate, which permission



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1 shall be granted by the board without additional fee in cases
2 where the applicant duly qualifies as a professional land
3 surveyor as prescribed by the rules of the board.

4 Sec. 18. Section 542B.18, Code 2011, is amended to read as
5 follows:

6 **542B.18 Expirations and renewals.**

7 Certificates of licensure shall expire in ~~multiyear~~
8 intervals as determined by the board. ~~It shall be the~~
9 ~~duty of the secretary of the board to notify every person~~
10 ~~licensed under this chapter, of the date of expiration of the~~
11 ~~certificate and the amount of the fee that shall be required~~
12 ~~for its renewal; such notice shall be mailed at least one month~~
13 ~~in advance of the date of the expiration of the certificate.~~
14 Renewal may be effected by the payment of a fee the amount of
15 which shall be determined by the board. The failure on the
16 part of any licensee to renew a certificate in the month of
17 expiration as required above shall not deprive a person of the
18 right of renewal. A person who fails to renew a certificate
19 by the expiration date shall be allowed to do so within thirty
20 days following its expiration, but the board may assess a
21 reasonable penalty. For the duration of any war in which the
22 United States is engaged the board may, in its discretion,
23 defer the collection of renewal fees without penalty, which
24 have or may become due from licensed professional engineers
25 who are employed in the war effort, and residing outside the
26 state, or who are members of the armed forces of the United
27 States, and may renew the engineering certificates of licensed
28 professional engineers.

29 Sec. 19. Section 542B.19, Code 2011, is amended to read as
30 follows:

31 **542B.19 Land surveyor's certificate.**

32 To any applicant who shall have passed the examination
33 as a professional land surveyor and who shall have paid an
34 additional fee as set by the board, the board shall issue
35 a certificate of licensure signed by its chairperson and

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1 secretary under the seal of the board, which certificate shall
2 authorize the applicant to practice land surveying as defined
3 in this chapter and to administer oaths to assistants and to
4 witnesses produced for examination, with reference to facts
5 connected with land surveys being made by such professional
6 land surveyor.

7 Sec. 20. Section 542B.20, unnumbered paragraph 1, Code
8 2011, is amended to read as follows:

9 A person holding a certificate of licensure as a
10 professional engineer or professional land surveyor issued to
11 the person by a proper authority of a state, territory, or
12 possession of the United States, the District of Columbia,
13 or of any foreign country, based on requirements and
14 qualifications, in the opinion of the board equal to or higher
15 than the requirements of this chapter, may be licensed without
16 further examination.

17 Sec. 21. Section 542B.24, Code 2011, is amended to read as
18 follows:

19 **542B.24 Injunction.**

20 Any person who is not legally authorized to practice in this
21 state according to the provisions of this chapter, and shall
22 practice, or shall in connection with the person's name use
23 any designation tending to imply or designate the person as a
24 professional engineer or professional land surveyor, may be
25 restrained by permanent injunction.

26 Sec. 22. Section 542B.26, Code 2011, is amended to read as
27 follows:

28 **542B.26 Applicability of chapter.**

29 1. a. This chapter shall not apply to any full-time
30 employee of any corporation while doing work for that
31 corporation, except in the case of corporations offering
32 their services to the public as professional engineers or
33 professional land surveyors.

34 b. Corporations engaged in designing buildings or works for
35 public or private interests not their own shall be deemed to be



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1 engaged in the practice of engineering within the meaning of
2 this chapter. With respect to such corporations all principal
3 designing or constructing engineers shall hold certificates of
4 licensure issued under this chapter. This chapter shall not
5 apply to corporations engaged solely in constructing buildings
6 and works.

7 2. This chapter shall not apply to any professional engineer
8 or professional land surveyor working for the United States
9 government, nor to any professional engineer or professional
10 land surveyor employed as an assistant to a professional
11 engineer or professional land surveyor licensed under this
12 chapter if such assistant is not placed in responsible charge
13 of any work involving the practice of engineering or land
14 surveying work, nor to the operation or maintenance of power
15 and mechanical plants or systems.

16 Sec. 23. Section 542B.27, subsection 1, Code 2011, is
17 amended to read as follows:

18 1. In addition to any other penalties provided for in this
19 chapter, the board may by order impose a civil penalty upon a
20 person who is not licensed under this chapter as a professional
21 engineer or a professional land surveyor and who does any of
22 the following:

23 a. Engages in or offers to engage in the practice of
24 professional engineering or professional land surveying.

25 b. Uses or employs the words "professional engineer" or
26 ~~"land~~ professional land surveyor", or implies authorization
27 to provide or offer professional engineering or professional
28 land surveying services, or otherwise uses or advertises any
29 title, word, figure, sign, card, advertisement, or other symbol
30 or description tending to convey the impression that the person
31 is a professional engineer or professional land surveyor or
32 is engaged in the practice of professional engineering or
33 professional land surveying.

34 c. Presents or attempts to use the certificate of licensure
35 or the seal of a professional engineer or professional land

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1 surveyor.

2 *d.* Gives false or forged evidence of any kind to the board
3 or any member of the board in obtaining or attempting to obtain
4 a certificate of licensure.

5 *e.* Falsely impersonates any licensed professional engineer
6 or professional land surveyor.

7 *f.* Uses or attempts to use an expired, suspended, revoked,
8 or nonexistent certificate of licensure.

9 *g.* Knowingly aids or abets an unlicensed person who engages
10 in any activity identified in this subsection.

11 Sec. 24. Section 542B.35, subsection 2, paragraph c, Code
12 2011, is amended to read as follows:

13 *c.* A person who completes the real property inspection
14 report shall not claim to be a licensed professional land
15 surveyor or a licensed professional engineer for purposes of
16 the report.

17 Sec. 25. Section 543C.2, subsection 5, Code 2011, is amended
18 to read as follows:

19 5. The complete description of the land offered for
20 subdivision by lots, plots, blocks, or sales, with or without
21 streets, together with plats certified to by a duly ~~registered~~
22 professional land surveyor accompanied by a certificate
23 attached thereto showing the date of the completion of the
24 survey and of the making of the plat and the name of the
25 subdivision for the purpose of identification of the subdivided
26 land or any part thereof.

27 Sec. 26. Section 544A.10, Code 2011, is amended to read as
28 follows:

29 **544A.10 Renewals.**

30 Certificates of registration expire in ~~multiyear~~ intervals
31 as determined by the board. Registered architects shall renew
32 their certificates of registration and pay a renewal fee in
33 the manner prescribed by the board. The board shall prescribe
34 the conditions and reasonable penalties for renewal after a
35 certificate's expiration date.

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1 Sec. 27. Section 544B.12, Code 2011, is amended to read as
2 follows:

3 **544B.12 Seal.**

4 Every professional landscape architect shall have a seal,
5 approved by the board, which shall contain the name of the
6 landscape architect and the words "Professional Landscape
7 Architect, State of Iowa", and such other words or figures as
8 the board may deem necessary. All landscape architectural
9 plans and specifications, prepared by such professional
10 landscape architect or under the supervision of such
11 professional landscape architect, shall be dated and bear the
12 legible seal of such professional landscape architect. Nothing
13 contained in this section shall be construed to permit the seal
14 of a professional landscape architect to serve as a substitute
15 for the seal of a registered architect, a licensed professional
16 engineer, or a licensed professional land surveyor whenever the
17 seal of an architect, engineer, or land surveyor is required
18 under the laws of this state.

19 Sec. 28. Section 544B.13, Code 2011, is amended to read as
20 follows:

21 **544B.13 Renewals.**

22 Certificates of licensure shall expire in ~~multiyear~~
23 intervals as determined by the board. Professional landscape
24 architects shall renew their certificates of licensure and pay
25 a renewal fee in the manner and amount prescribed by the board.
26 A person who fails to renew a certificate by the expiration
27 date shall be allowed to do so within thirty days following its
28 expiration, but the board may assess a reasonable penalty.

29 Sec. 29. Section 544B.20, subsection 4, Code 2011, is
30 amended to read as follows:

31 4. To affect or prevent the practice of land surveying by a
32 professional land surveyor ~~registered~~ licensed under the laws
33 of this state.

34 Sec. 30. Section 558A.4, subsection 1, paragraph b, Code
35 Supplement 2011, is amended to read as follows:

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1 *b.* The disclosure statement may include a report or written
2 opinion prepared by a person qualified to make judgment based
3 on education or experience, as provided by rules adopted by
4 the commission, including but not limited to a professional
5 land surveyor licensed pursuant to chapter 542B, a geologist, a
6 structural pest control operator licensed pursuant to section
7 206.6, or a building contractor. The report or opinion on a
8 matter within the scope of the person's practice, profession,
9 or expertise shall satisfy the requirements of this section or
10 rules adopted by the commission regarding that matter required
11 to be disclosed. If the report or opinion is in response
12 to a request made for purposes of satisfying the disclosure
13 statement, the report or opinion shall indicate which part of
14 the disclosure statement the report or opinion satisfies.

15 Sec. 31. Section 568.15, Code 2011, is amended to read as
16 follows:

17 **568.15 How constituted.**

18 The members of the commission shall be selected with
19 reference to their fitness for the duties required and at least
20 one of them shall be a competent licensed professional land
21 surveyor and competent licensed professional civil engineer.

22 Sec. 32. Section 622.42, Code 2011, is amended to read as
23 follows:

24 **622.42 Field notes and plats.**

25 A copy of the field notes of any licensed professional
26 land surveyor, or a plat made by the surveyor and certified
27 under oath as correct, may be received as evidence to show the
28 shape or dimensions of a tract of land, or any other fact the
29 ascertainment of which requires the exercise of scientific
30 skill or calculation only.

31 Sec. 33. Section 633.249, Code 2011, is amended to read as
32 follows:

33 **633.249 Mode of setting off share in real estate.**

34 The referees may employ a licensed professional land
35 surveyor, and may cause the shares in real estate to be set off



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1 by legally sufficient land descriptions. They shall make a
2 report of their proceedings to the court as early as reasonably
3 possible.

4 Sec. 34. Section 650.7, Code 2011, is amended to read as
5 follows:

6 **650.7 Commission.**

7 The court in which ~~said~~ the action is brought shall appoint
8 a commission of one or more disinterested licensed professional
9 land surveyors, who shall, at a date and place fixed by the
10 court in the order of appointment, proceed to locate the lost,
11 destroyed, or disputed corners and boundaries.

12 EXPLANATION

13 This bill relates to matters under the purview of the
14 professional licensing and regulation bureau of the banking
15 division of the department of commerce.

16 The bill updates provisions relating to land surveyors and
17 the practice of land surveying. The bill deletes outdated
18 references to "registered" land surveyors, substituting instead
19 the more current and accurate "licensed" land surveyors.
20 Additionally, to ensure consistency regarding references to
21 "professional engineers" or "licensed professional engineers",
22 the bill makes corresponding references to "professional land
23 surveyors" or "licensed professional land surveyors" where
24 appropriate.

25 The bill removes provisions relating to staff communication
26 by mail with professional engineers and land surveyors
27 regarding licensure status and removes references to
28 license expiration in multiyear intervals in connection
29 with professional engineers and land surveyors, registered
30 architects, and landscape architects.



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Senate File 2128 - Introduced

SENATE FILE 2128
BY BEALL, MATHIS, WILHELM,
QUIRMBACH, SCHOENJAHN,
SENG, BERTRAND, BOLKCOM,
DVORSKY, DOTZLER,
DANIELSON, HATCH, HORN,
DEARDEN, FRAISE, SODDERS,
KIBBIE, BLACK, JOCHUM,
RAGAN, and ANDERSON

A BILL FOR

1 An Act requiring certain group health insurance policies,
2 contracts, or plans to provide coverage for autism spectrum
3 disorders for certain persons, providing for a repeal, and
4 including applicability and effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5713XS (4) 84
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1 Section 1. NEW SECTION. 514C.29 Autism spectrum disorders
 2 coverage.

3 1. Notwithstanding the uniformity of treatment requirements
 4 of section 514C.6, a group policy, contract, or plan providing
 5 for third-party payment or prepayment of health, medical, and
 6 surgical coverage benefits shall provide coverage benefits
 7 to covered individuals under twenty-six years of age for
 8 the screening, diagnosis, and treatment of autism spectrum
 9 disorders if the policy, contract, or plan is either of the
 10 following:

11 a. A policy, contract, or plan issued by a carrier, as
 12 defined in section 513B.2, or an organized delivery system
 13 authorized under 1993 Iowa Acts, chapter 158.

14 b. A plan established pursuant to chapter 509A for public
 15 employees.

16 2. As used in this section, unless the context otherwise
 17 requires:

18 a. *"Applied behavior analysis"* means the design,
 19 implementation, and evaluation of environmental modifications,
 20 using behavioral stimuli and consequences, to produce socially
 21 significant improvement in human behavior or to prevent loss
 22 of attained skill or function, including the use of direct
 23 observation, measurement, and functional analysis of the
 24 relations between environment and behavior.

25 b. *"Autism spectrum disorder"* means any of the pervasive
 26 developmental disorders including autistic disorder, Asperger's
 27 disorder, and pervasive developmental disorders not otherwise
 28 specified. The commissioner, by rule, shall define *"autism*
 29 *spectrum disorder"* consistent with definitions provided in the
 30 most recent edition of the American psychiatric association's
 31 diagnostic and statistical manual of mental disorders, as such
 32 definitions may be amended from time to time. The commissioner
 33 may adopt the definitions provided in such manual by reference.

34 c. *"Behavioral health treatment"* means counseling and
 35 treatment programs, including applied behavior analysis, that



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1 meet the following requirements:

2 (1) Are necessary to develop, maintain, or restore, to the
 3 maximum extent practicable, the functioning of an individual.

4 (2) Are provided or supervised by a behavior analyst
 5 certified by a nationally recognized board, or by a licensed
 6 psychologist, so long as the services are performed
 7 commensurate with the psychologist's formal training and
 8 supervised experience.

9 *d. "Diagnosis of autism spectrum disorder"* means the use
 10 of medically necessary assessments, evaluations, or tests to
 11 diagnose whether an individual has an autism spectrum disorder.

12 *e. "Pharmacy care"* means medications prescribed by a
 13 licensed physician and any assessment, evaluation, or test
 14 prescribed or ordered by a licensed physician to determine the
 15 need for or effectiveness of such medications.

16 *f. "Psychiatric care"* means direct or consultative services
 17 provided by a licensed physician who specializes in psychiatry.

18 *g. "Psychological care"* means direct or consultative
 19 services provided by a licensed psychologist.

20 *h. "Therapeutic care"* means services provided by a licensed
 21 speech pathologist, licensed occupational therapist, or
 22 licensed physical therapist.

23 *i. "Treatment for autism spectrum disorder"* means
 24 evidence-based care and related equipment prescribed or ordered
 25 for an individual diagnosed with an autism spectrum disorder by
 26 a licensed physician or a licensed psychologist who determines
 27 that the treatment is medically necessary, including but not
 28 limited to the following:

- 29 (1) Behavioral health treatment.
- 30 (2) Pharmacy care.
- 31 (3) Psychiatric care.
- 32 (4) Psychological care.
- 33 (5) Therapeutic care.

34 *j. "Treatment plan"* means a plan for the treatment of an
 35 autism spectrum disorder developed by a licensed physician or



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1 licensed psychologist pursuant to a comprehensive evaluation
2 or reevaluation performed in a manner consistent with the most
3 recent clinical report or recommendations of the American
4 academy of pediatrics, as determined by the commissioner by
5 rule.

6 3. Coverage for applied behavior analysis is required
7 pursuant to this section for a maximum benefit amount of
8 thirty-six thousand dollars per year. Beginning in 2014, the
9 commissioner shall, on or before April 1 of each calendar year,
10 publish an adjustment for inflation to the maximum benefit
11 required equal to the percentage change in the medical care
12 component of the United States department of labor consumer
13 price index for all urban consumers in the preceding year, and
14 the published adjusted maximum benefit shall be applicable to
15 group policies, contracts, or plans subject to this section
16 that are delivered, issued for delivery, continued, or renewed
17 on or after January 1 of the following calendar year. Payments
18 made under a group policy, contract, or plan subject to this
19 section on behalf of a covered individual for any treatment
20 other than applied behavior analysis shall not be applied
21 toward the maximum benefit established under this subsection.

22 4. Coverage required pursuant to this section shall not be
23 subject to any limits on the number of visits an individual may
24 make for treatment of an autism spectrum disorder.

25 5. Coverage required pursuant to this section shall not
26 be subject to dollar limits, deductibles, copayments, or
27 coinsurance provisions, or any other general exclusions or
28 limitations of a group plan that are less favorable to an
29 insured than the dollar limits, deductibles, copayments, or
30 coinsurance provisions that apply to physical illness generally
31 under the policy, contract, or plan, except as provided in
32 subsection 3.

33 6. Coverage required by this section shall be provided
34 in coordination with coverage required for the treatment of
35 autistic disorders pursuant to section 514C.22.

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1 7. This section shall not be construed to limit benefits
2 which are otherwise available to an individual under a group
3 policy, contract, or plan.

4 8. This section shall not be construed as affecting any
5 obligation to provide services to an individual under an
6 individualized family service plan, an individualized education
7 program, or an individualized service plan.

8 9. Except for inpatient services, if an insured is receiving
9 treatment for an autism spectrum disorder, an insurer is
10 entitled to review the treatment plan annually, unless the
11 insurer and the insured's treating physician or psychologist
12 agree that a more frequent review is necessary. An agreement
13 giving an insurer the right to review the treatment plan of
14 an insured more frequently applies only to that insured and
15 does not apply to other individuals being treated for autism
16 spectrum disorders by a physician or psychologist. The cost of
17 conducting a review of a treatment plan shall be borne by the
18 insurer.

19 10. This section shall not apply to accident-only,
20 specified disease, short-term hospital or medical, hospital
21 confinement indemnity, credit, dental, vision, Medicare
22 supplement, long-term care, basic hospital and medical-surgical
23 expense coverage as defined by the commissioner, disability
24 income insurance coverage, coverage issued as a supplement
25 to liability insurance, workers' compensation or similar
26 insurance, or automobile medical payment insurance, or
27 individual accident and sickness policies issued to individuals
28 or to individual members of a member association.

29 11. The commissioner shall adopt rules pursuant to chapter
30 17A to implement and administer this section.

31 12. An insurer shall not terminate coverage of an individual
32 solely because the individual is diagnosed with or has received
33 treatment for an autism spectrum disorder.

34 13. This section applies to third-party payment provider
35 policies, contracts, or plans, and to plans established

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1 Required coverage cannot be subject to any limits on the
2 number of visits an individual may make for treatment of an
3 autism spectrum disorder.

4 Required coverage cannot be subject to dollar limits,
5 deductibles, copayments, or coinsurance provisions, or any
6 other general exclusions or limitations of a group plan that
7 are less favorable to an insured than those that apply to
8 physical illness generally under the policy, contract, or
9 plan, except as to the maximum benefit limitation for applied
10 behavior analysis coverage.

11 Coverage of autism spectrum disorders under the new Code
12 section is to be provided in coordination with coverage
13 required for the treatment of autistic disorders pursuant to
14 Code section 514C.22. The Code section shall not be construed
15 to limit benefits otherwise available to an individual under a
16 group policy, contract, or plan.

17 The new Code section shall not be construed as affecting
18 any obligation to provide services to an individual under an
19 individualized family service plan, education program, or
20 service plan.

21 Except for inpatient services, if an insured is receiving
22 treatment for an autism spectrum disorder, an insurer is
23 entitled to review the treatment plan annually, unless the
24 insurer and the insured's treating physician or psychologist
25 agree that more frequent review is necessary. Such an
26 agreement applies only to that insured and does not apply to
27 other individuals being treated for autism spectrum disorder by
28 a physician or psychologist. The cost of conducting the review
29 of a treatment plan is to be borne by the insurer.

30 The new Code section does not apply to various specified
31 types of insurance. The commissioner is required to adopt
32 rules to implement and administer the provision.

33 An insurer shall not terminate coverage of an individual
34 solely because the individual is diagnosed with or has received
35 treatment for an autism spectrum disorder.

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1 The new Code section applies to third-party payment provider
2 policies, contracts, or plans, and to plans established
3 pursuant to Code chapter 509A, that are delivered, issued for
4 delivery, continued, or renewed in this state on or after
5 January 1, 2013.

6 Code section 514C.28, which currently mandates coverage
7 for autism spectrum disorders only in group plans established
8 pursuant to Code chapter 509A for state employees, is repealed
9 effective January 1, 2013.



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Senate File 2129 - Introduced

SENATE FILE 2129
BY DOTZLER

A BILL FOR

- 1 An Act concerning the rights of parties to private and
- 2 public construction contracts and including applicability
- 3 provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 573B.1 Title.

2 This chapter shall be known as the "*Iowa Fairness in Private*
3 *Construction Contracts Act*".

4 Sec. 2. NEW SECTION. 573B.2 Definitions.

5 For the purposes of this chapter:

6 1. "*Construction*" means furnishing labor, equipment,
7 material, or supplies used or consumed for the design,
8 construction, alteration, renovation, repair, or maintenance of
9 a building, structure, appurtenance, or other improvement to
10 real property, including any moving, demolition, or excavation.

11 2. "*Contract*" means a contract or agreement concerning
12 construction entered into by and between an owner and
13 a contractor, a contractor and a subcontractor, or a
14 subcontractor and another subcontractor.

15 3. "*Contractor*" means a person or entity that engages in
16 the business of construction and has a contract with an owner
17 of the real property or with a trustee, agent, or spouse of an
18 owner.

19 4. "*Owner*" means the record titleholder or a person or
20 entity for whose use or benefit any construction is undertaken,
21 who has the capacity to contract, including a guardian.

22 5. "*Private construction*" means construction of or on
23 private property.

24 6. "*Retainage*" means money earned by a contractor or
25 subcontractor but withheld to ensure proper performance by the
26 contractor or subcontractor.

27 7. "*Subcontractor*" means a person or entity that engages
28 in the business of construction, except a person or entity
29 entering into a contract directly with the owner of the real
30 property.

31 Sec. 3. NEW SECTION. 573B.3 Private construction contracts
32 — payment — provisions against public policy — failure to pay.

33 1. A person or entity that enters into a contract for
34 private construction shall make all payments pursuant to the
35 terms of the contract and in accordance with this chapter.



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1 2. The following provisions in a contract for private
2 construction are void and unenforceable as contrary to public
3 policy:

4 a. A provision that purports to waive, release, or
5 extinguish the right to resolve disputes through litigation
6 in court or substantive or procedural rights in connection
7 with such litigation. However, a contract may require
8 binding arbitration as a substitute for litigation or require
9 nonbinding alternative dispute resolution as a prerequisite to
10 litigation.

11 b. A provision that purports to waive, release, or
12 extinguish rights provided by chapter 660, except that a
13 contract may require a contractor or subcontractor to provide a
14 waiver or release of such rights as a condition for payment,
15 but only to the extent of the amount of payment received.

16 c. A provision that purports to waive, release, or
17 extinguish rights of subrogation for losses or claims covered
18 or paid by liability or workers' compensation insurance unless
19 permitted under chapter 87 or Title XIII, subtitle 1.

20 3. A provision in a contract for private construction
21 providing that a payment from a contractor or subcontractor
22 to a subcontractor is contingent or conditioned upon receipt
23 of a payment from any other private party is no defense to a
24 claim to enforce a mechanic's lien or bond to secure payment of
25 claims pursuant to chapter 660.

26 4. For a contract for private construction, if the owner
27 fails to pay the contractor by the date payment is due pursuant
28 to the contract, the owner shall pay interest to the contractor
29 beginning on the first business day after payment is due,
30 computed at the rate of eighteen percent per annum.

31 5. For a contract for private construction, a contractor
32 shall pay a subcontractor any amounts due within seven business
33 days of whichever of the following is later:

34 a. Receipt of payment by the contractor from the owner,
35 including payment of retainage, if retainage is released by the

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1 owner.

2 *b.* The date payment to the subcontractor is due pursuant to
3 the contract.

4 6. If a contractor fails to pay a subcontractor pursuant
5 to subsection 5, the contractor shall pay interest to the
6 subcontractor beginning on the first business day after payment
7 becomes due, computed at the rate of eighteen percent per
8 annum.

9 7. The provisions of subsections 5 and 6 shall apply to a
10 payment from a subcontractor to its subcontractor.

11 **Sec. 4. NEW SECTION. 573B.4 Retainage.**

12 1. An owner, contractor, or subcontractor may withhold
13 no more than ten percent retainage from the amount of any
14 undisputed payment due.

15 2. If an owner, contractor, or subcontractor fails to pay
16 retainage pursuant to the terms of a contract for private
17 construction or as required by this chapter, the owner,
18 contractor, or subcontractor shall pay interest to the
19 contractor or subcontractor to whom payment was due, beginning
20 on the first business day after the payment was due, at a rate
21 of eighteen percent per annum.

22 **Sec. 5. NEW SECTION. 573B.5 Suspension of performance.**

23 If any undisputed payment is not made within seven business
24 days after the payment date established in this chapter, the
25 contractor and any subcontractors may provide written notice to
26 the owner and, in the case of a subcontractor, written notice
27 to the contractor. Seven business days after the provision of
28 the written notice, the contractor or subcontractor, without
29 prejudice to any other available remedy, may suspend further
30 performance until payment, including applicable interest,
31 is made. The contract period for each contract affected by
32 the suspension shall be extended for a period equal to the
33 duration of the suspension, and the contract sum for each
34 affected contract shall be increased by the suspending party's
35 reasonable costs of demobilization, delay, and remobilization.

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1 Sec. 6. NEW SECTION. **573B.6 Action or arbitration to**
2 **enforce.**

3 In any action to enforce the provisions of this chapter,
4 including arbitration, the court or arbitrator shall award
5 costs and reasonable attorney fees to the prevailing party.
6 Venue of such an action shall be in the county where the
7 applicable real property is located. The hearing in such an
8 arbitration shall be held in the county where the applicable
9 real property is located.

10 Sec. 7. NEW SECTION. **573B.7 Waiver or variance prohibited.**

11 The rights and duties prescribed by this chapter shall not be
12 waived or varied under the terms of a contract. The terms of a
13 contract waiving or varying the rights and duties prescribed by
14 this chapter shall be unenforceable.

15 Sec. 8. NEW SECTION. **573B.8 Applicability.**

16 The provisions of this chapter do not apply to single-family
17 residential housing and multifamily residential housing of four
18 units or less. The provisions of this chapter shall not apply
19 to public works or public improvement projects.

20 Sec. 9. NEW SECTION. **573C.1 Title.**

21 This chapter shall be known as the "*Iowa Fairness in Public*
22 *Construction Contracts Act*".

23 Sec. 10. NEW SECTION. **573C.2 Definitions.**

24 For the purposes of this chapter:

25 1. "*Construction*" means furnishing labor, equipment,
26 material, or supplies used or consumed for the design,
27 construction, alteration, renovation, repair, or maintenance of
28 a building, structure, appurtenance, or other improvement to
29 real property, including any moving, demolition, or excavation.

30 2. "*Contract*" means a contract or agreement concerning
31 construction entered into by and between an owner and
32 a contractor, a contractor and a subcontractor, or a
33 subcontractor and another subcontractor.

34 3. "*Contractor*" means a person or entity that engages in
35 the business of construction and has a contract with an owner



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1 of the real property or with a trustee, agent, or spouse of an
2 owner.

3 4. "Owner" means the record titleholder or a person or
4 entity for whose use or benefit any construction is undertaken,
5 who has the capacity to contract, including a guardian.

6 5. "Public construction" means construction under the
7 control of a public entity and paid for in whole or in part with
8 funds of a public entity.

9 6. "Public entity" means the state, an agency of the state,
10 or a political subdivision.

11 7. "Subcontractor" means a person or entity that engages
12 in the business of construction, except a person or entity
13 entering into a contract directly with the owner of the real
14 property.

15 Sec. 11. NEW SECTION. 573C.3 Public construction contracts
16 — payment — provisions against public policy — failure to pay.

17 1. A person or entity that enters into a contract for public
18 construction shall make all payments pursuant to the terms of
19 the contract and in accordance with this chapter.

20 2. The following provisions in a contract for public
21 construction are void and unenforceable as contrary to public
22 policy:

23 a. A provision that purports to waive, release, or
24 extinguish the right to resolve disputes through litigation in
25 court or substantive or procedural rights in connection with
26 such litigation. However, a contract may require nonbinding
27 alternative dispute resolution as a prerequisite to litigation.

28 b. A provision that purports to waive, release, or
29 extinguish rights to file a claim against a payment or
30 performance bond, except that a contract may require a
31 contractor or subcontractor to provide a waiver or release of
32 such rights as a condition for payment, but only to the extent
33 of the amount of payment received.

34 c. A provision that purports to waive, release, or
35 extinguish rights of subrogation for losses or claims covered



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1 or paid by liability or workers' compensation insurance unless
2 permitted under chapter 87 or Title XIII, subtitle 1.

3 *d.* A provision that purports to waive the right of a party
4 to collect damages for delays caused by another party.

5 3. For a contract for public construction, if the owner
6 fails to pay the contractor by the date payment is due pursuant
7 to the contract, the owner shall pay interest to the contractor
8 beginning on the first business day after payment is due,
9 computed at the rate of eighteen percent per annum.

10 4. For a contract for public construction, a contractor
11 shall pay a subcontractor any amounts due within seven business
12 days of whichever of the following is later:

13 *a.* Receipt of payment by the contractor from the owner.

14 *b.* The date payment to the subcontractor is due pursuant to
15 the contract.

16 5. If a contractor fails to pay a subcontractor pursuant
17 to subsection 4, the contractor shall pay interest to the
18 subcontractor beginning on the first business day after payment
19 becomes due, computed at the rate of eighteen percent per
20 annum.

21 6. The provisions of subsections 4 and 5 shall apply to a
22 payment from a subcontractor to its subcontractor.

23 **Sec. 12. NEW SECTION. 573C.4 Suspension of performance.**

24 If any undisputed payment is not made within seven business
25 days after the payment date established in this chapter, the
26 contractor and any subcontractors may provide written notice to
27 the owner and, in the case of a subcontractor, written notice
28 to the contractor. Seven business days after the provision of
29 the written notice, the contractor or subcontractor, without
30 prejudice to any other available remedy, may suspend further
31 performance until payment, including applicable interest,
32 is made. The contract period for each contract affected by
33 the suspension shall be extended for a period equal to the
34 duration of the suspension, and the contract sum for each
35 affected contract shall be increased by the suspending party's

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1 reasonable costs of demobilization, delay, and remobilization.

2 Sec. 13. NEW SECTION. 573C.5 Action or arbitration to
3 enforce.

4 In any action to enforce the provisions of this chapter,
5 including arbitration, between a contractor and a subcontractor
6 or a subcontractor and a subcontractor, the court or arbitrator
7 shall award costs and reasonable attorney fees to the
8 prevailing party. Venue of such an action shall be in the
9 county where the applicable real property is located. The
10 hearing in such an arbitration shall be held in the county
11 where the applicable real property is located.

12 Sec. 14. NEW SECTION. 573C.6 Waiver or variance prohibited.

13 The rights and duties prescribed by this chapter shall not
14 be waivable or varied under the terms of a contract. The terms
15 of a contract waiving the rights and duties prescribed by this
16 chapter shall be unenforceable.

17 Sec. 15. NEW SECTION. 573C.7 Applicability.

18 This chapter does not apply to retainage or the retention
19 of funds as those terms are used in chapter 573. This chapter
20 shall not be construed to prohibit the parties to a contract
21 for public construction from contracting for the applicability
22 of the provisions of chapter 573A.

23 Sec. 16. APPLICABILITY. This Act applies to construction
24 contracts entered into on or after the effective date of this
25 Act.

EXPLANATION

26 This bill relates to the rights of parties to private and
27 public construction contracts.

28 The bill creates the "Iowa Fairness in Private Construction
29 Contracts Act". The bill requires a person or entity that
30 enters into a contract for private construction to make
31 all payments pursuant to the terms of the contract and in
32 accordance with the bill. The bill provides that certain
33 provisions in a private construction contract are void and
34 unenforceable as contrary to public policy, including a
35 unenforceable as contrary to public policy, including a

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1 provision that waives, releases, or extinguishes the right
2 to resolve disputes through litigation, although arbitration
3 may be required as a prerequisite to or a substitution for
4 litigation; a provision that waives, releases, or extinguishes
5 rights provided by Code chapter 660 relating to quo warranto
6 rights, although a contractor or subcontractor may be required
7 to waive such rights as a condition for payment, to the extent
8 of the amount of payment received; and a provision that waives,
9 releases, or extinguishes rights of subrogation for losses or
10 claims covered or paid by liability or workers' compensation
11 insurance unless otherwise permitted under Code chapter 87
12 or Code Title XIII, subtitle 1, relating to regulation of
13 insurance.

14 The bill provides that a provision in a contract for
15 private construction making a payment from a contractor or
16 subcontractor to a subcontractor contingent or conditioned upon
17 receipt of a payment from any other private party is no defense
18 to a claim to enforce a mechanic's lien or bond to secure
19 payment of claims pursuant to Code chapter 660.

20 The bill provides that for a contract for private
21 construction, if the owner fails to pay the contractor by the
22 date payment is due pursuant to the contract, the owner must
23 pay interest to the contractor beginning the first business day
24 after payment is due, at a rate of 18 percent per annum.

25 The bill provides that for a contract for private
26 construction, a contractor must pay a subcontractor any
27 amounts due within seven business days of the later of either
28 the receipt of payment by the contractor from the owner,
29 including retainage, if released, or the date payment to the
30 subcontractor is due pursuant to the subcontract. The bill
31 provides that if a contractor fails to pay a subcontractor in
32 this way, the contractor must pay interest to the subcontractor
33 beginning the first business day after payment is due, at a
34 rate of 18 percent per annum.

35 The bill defines "retainage" for the purposes of the "Iowa

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1 Fairness in Private Construction Contracts Act” as money
2 earned by a contractor or subcontractor but withheld to ensure
3 proper performance by the contractor or subcontractor. The
4 bill provides that an owner, contractor, or subcontractor may
5 withhold no more than 10 percent retainage from the amount
6 of any undisputed payment due. The bill provides that if an
7 owner, contractor, or subcontractor fails to pay retainage
8 as required, they must pay interest beginning on the first
9 business day after the payment was due, at a rate of 18 percent
10 per annum.

11 The bill provides that if an undisputed payment is not
12 made within seven business days after payment is due, the
13 contractor and any subcontractors may provide written notice
14 to the owner and, if payment is not made for another seven
15 business days, may suspend further performance until payment,
16 including applicable interest, is made. The bill provides
17 that the contract period shall be extended for a period equal
18 to the duration of the suspension, and the contract sum will
19 be increased by the suspending party’s reasonable costs of
20 demobilization, delay, and remobilization. The bill provides
21 that in any action to enforce the provisions of the bill,
22 including arbitration, the court or arbitrator will award costs
23 and reasonable attorney fees to the prevailing party. The bill
24 provides that such an action will take place in the county
25 where the applicable real property is located.

26 The bill provides that the rights and duties prescribed
27 by the bill cannot be waived or varied under the terms
28 of a contract, and a provision of a contract doing so is
29 unenforceable. The bill specifies that these provisions of
30 the bill do not apply to single-family residential housing and
31 multifamily residential housing of four units or less or public
32 works or public improvement projects.

33 The bill creates the “Iowa Fairness in Public Construction
34 Contracts Act”. The bill requires a person or entity that
35 enters into a contract for public construction to make

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1 all payments pursuant to the terms of the contract and in
2 accordance with the bill. The bill provides that certain
3 provisions in a public construction contract are void and
4 unenforceable as contrary to public policy, including a
5 provision that waives, releases, or extinguishes the right
6 to resolve disputes through litigation, although arbitration
7 may be required as a prerequisite to litigation; a provision
8 that waives, releases, or extinguishes rights to file a claim
9 against a payment or performance bond, although a contractor
10 or subcontractor may be required to waive such rights as a
11 condition for payment, to the extent of the amount of payment
12 received; a provision that waives, releases, or extinguishes
13 rights of subrogation for losses or claims covered or paid by
14 liability or workers' compensation insurance unless otherwise
15 permitted under Code chapter 87 or Code Title XIII, subtitle
16 1, relating to regulation of insurance; and a provision that
17 waives the right to collect damages for delays caused by
18 another party.

19 The bill provides that for a contract for public
20 construction, if the owner fails to pay the contractor by the
21 date payment is due pursuant to the contract, the owner must
22 pay interest to the contractor beginning the first business day
23 after payment is due, at a rate of 18 percent per annum.

24 The bill provides that for a contract for public
25 construction, a contractor must pay a subcontractor any
26 amounts due within seven business days of the later of either
27 the receipt of payment by the contractor from the owner or
28 the date payment to the subcontractor is due pursuant to the
29 subcontract. The bill provides that if a contractor fails
30 to pay a subcontractor in this way, the contractor must pay
31 interest to the subcontractor beginning the first business day
32 after payment is due, at a rate of 18 percent per annum.

33 The bill provides that if an undisputed payment is not
34 made within seven business days after payment is due, the
35 contractor and any subcontractors may provide written notice

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1 to the owner and, if payment is not made for another seven
2 business days, may suspend further performance until payment,
3 including applicable interest, is made. The bill provides
4 that the contract period will be extended for a period equal
5 to the duration of the suspension, and the contract sum will
6 be increased by the suspending party's reasonable costs of
7 demobilization, delay, and remobilization. The bill provides
8 that in any action to enforce the provisions of the bill,
9 including arbitration, between a contractor and a subcontractor
10 or a subcontractor and a subcontractor, the court or arbitrator
11 will award costs and reasonable attorney fees to the prevailing
12 party. The bill provides that such an action will take place
13 in the county where the applicable real property is located.

14 The bill provides that the rights and duties prescribed
15 by the bill cannot be waived or varied under the terms
16 of a contract, and a provision of a contract doing so is
17 unenforceable. The bill specifies that the provisions of the
18 "Iowa Fairness in Public Construction Contracts Act" do not
19 apply to retainage or the retention of funds as those terms are
20 used in Code chapter 573. The bill specifies that the bill is
21 not to be construed to prohibit the parties to a contract for
22 public construction from contracting for the applicability of
23 the provisions of Code chapter 573A, relating to stoppage of
24 public contracts in the event of an emergency.

25 The bill applies to construction contracts entered into on
26 or after the effective date of the bill.



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Senate File 2130 - Introduced

SENATE FILE 2130
BY HOGG

A BILL FOR

- 1 An Act providing for the development of a state renewable
- 2 energy economic development plan.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. **473.4 Renewable energy economic**
2 **development plan.**

3 The authority, in consultation with the utilities board of
4 the utilities division of the department of commerce, shall
5 create a renewable energy economic development plan with the
6 goal of achieving the production of one hundred percent of the
7 state's electrical needs from natural gas or alternative and
8 renewable energy sources by 2025. The plan shall include or
9 address a cost and benefit analysis, the potential for business
10 development and job creation and incentives to encourage that
11 development, environmental benefits, greenhouse gas reductions,
12 and transmission infrastructure improvements anticipated to be
13 required in order to facilitate the plan. A preliminary plan
14 shall be submitted to the governor and the general assembly
15 by January 1, 2013, and an updated plan summarizing progress
16 made toward attainment of the goal and identifying factors
17 or issues, if any, impacting attainment of the goal shall be
18 submitted by January 1 annually thereafter.

19 EXPLANATION

20 This bill directs the economic development authority,
21 in consultation with the Iowa utilities board, to create a
22 renewable energy economic development plan for achieving the
23 production of 100 percent of the state's electrical needs
24 from natural gas or alternative and renewable energy sources
25 by 2025. The bill requires the plan to include or address
26 a cost and benefit analysis, the potential for business
27 development and job creation and incentives to encourage that
28 development, environmental benefits, greenhouse gas reductions,
29 and transmission infrastructure improvements anticipated to be
30 required in order to facilitate the plan. The bill provides
31 that a preliminary plan shall be submitted to the governor and
32 the general assembly by January 1, 2013, and an updated plan
33 summarizing progress made toward attainment of the goal and
34 identifying factors or issues impacting that attainment shall
35 be submitted by January 1 annually thereafter.

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Senate File 2131 - Introduced

SENATE FILE 2131
BY SODDERS

A BILL FOR

1 An Act requiring a study and report on the establishment of a
2 posttraumatic stress dual diagnosis treatment program at the
3 Iowa veterans home.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. IOWA VETERANS HOME — POSTTRAUMATIC STRESS DUAL
2 DIAGNOSIS TREATMENT PROGRAM STUDY.

3 1. The Iowa veterans home shall initiate and coordinate
4 the establishment of a posttraumatic stress dual diagnosis
5 treatment program study committee, and provide staffing
6 assistance to the committee. The committee shall study
7 possible funding sources, program structure, program
8 requirements, and the needs for such a treatment program for
9 veterans in this state. The committee shall focus on the
10 establishment of a dual diagnosis program for individuals
11 seeking treatment for service-connected posttraumatic stress
12 and substance abuse.

13 a. The committee shall include the following voting
14 members:

15 (1) The commandant of the Iowa veterans home, or the
16 commandant's designee.

17 (2) The executive director of the department of veterans
18 affairs, or the executive director's designee.

19 (3) The director of public health, or the director's
20 designee.

21 (4) A commissioner of the commission of veterans affairs
22 designated by the commission.

23 (5) A member of the public, designated by the commandant
24 of the Iowa veterans home, who has experience in providing
25 treatment to individuals with service-connected posttraumatic
26 stress.

27 b. The committee shall include the following ex officio,
28 nonvoting members:

29 (1) Two state senators, one appointed by the majority leader
30 of the senate and one appointed by the minority leader of the
31 senate.

32 (2) Two state representatives, one appointed by the speaker
33 of the house of representatives and one appointed by the
34 minority leader of the house of representatives.

35 2. The committee shall meet at least once during the 2012

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1 legislative interim, but may conduct as many as three meetings
2 during the legislative interim, as deemed necessary by the
3 commandant of the Iowa veterans home.

4 3. The committee shall prepare a report for delivery to the
5 general assembly and the governor no later than January 15,
6 2013, regarding the establishment of a posttraumatic stress
7 dual diagnosis treatment program at the Iowa veterans home. In
8 the report the committee shall advise or make recommendations
9 to the governor and the general assembly relative to the
10 creation of such a program at the Iowa veterans home.

11 EXPLANATION

12 This bill requires that the Iowa veterans home initiate
13 and coordinate the establishment of a posttraumatic stress
14 dual diagnosis treatment program study committee and provide
15 staffing assistance to the committee. The committee shall
16 study funding sources, program structure, program requirements,
17 and the needs for such a program for veterans in this state.
18 The committee shall focus upon the establishment of a dual
19 diagnosis program for individuals seeking treatment for
20 service-connected posttraumatic stress and substance abuse.

21 The committee shall consist of five voting members including
22 the commandant of the Iowa veterans home, or the commandant's
23 designee; the executive director of the department of veterans
24 affairs, or the executive director's designee; the director
25 of public health, or the director's designee; a commissioner
26 of the commission of veterans affairs designated by the
27 commission; and a member of the public, designated by the
28 commandant of the Iowa veterans home, who has experience in
29 providing treatment to individuals with service-connected
30 posttraumatic stress. The committee shall also include four
31 ex officio, nonvoting members including two state senators,
32 one appointed by the majority leader of the senate and one
33 appointed by the minority leader of the senate, and two state
34 representatives, one appointed by the speaker of the house of
35 representatives and one appointed by the minority leader of the

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1 house of representatives.

2 The bill requires that the committee meet at least once
3 during the 2012 legislative interim and provides that the
4 committee may meet as many as three times during the interim as
5 deemed necessary by the commandant of the Iowa veterans home.

6 The bill requires that the committee prepare a report for
7 delivery to the general assembly and the governor regarding the
8 establishment of such a program. The bill requires that the
9 committee deliver the report to the general assembly and the
10 governor by January 15, 2013.



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Senate Study Bill 3130 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON DVORSKY)

A BILL FOR

1 An Act relating to flood mitigation by establishing a flood
2 mitigation program, establishing a flood mitigation board,
3 authorizing the use of certain sales tax revenue and
4 other financial assistance for flood mitigation projects,
5 establishing a flood mitigation fund, authorizing the
6 issuance of bonds for certain flood mitigation projects,
7 providing for appropriations, and including effective date
8 provisions.
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 had a project approved pursuant to section 418.9 or if the
2 governmental entity previously was part of a governmental
3 entity as defined in section 418.1, subsection 4, paragraph "c",
4 that had a project approved pursuant to section 418.9.

5 5. If a project is eligible for state financial assistance
6 under section 29C.6, subsection 17, such project is ineligible
7 for approval by the board under this chapter.

8 6. Following approval of a project under section 418.9, the
9 governmental entity shall on or before December 15 of each year
10 submit a report to the board detailing all of the following:

11 a. The current status of the project.

12 b. Total expenditures and the types of expenditures that
13 have been made related to the project.

14 c. The amount of the total project cost remaining as of the
15 date the report is submitted.

16 d. The amounts, types, and sources of funding being used.

17 e. The amount of bonds issued or other indebtedness incurred
18 for the project, including information related to the rate of
19 interest, length of term, costs of issuance, and net proceeds.
20 The report shall also include the amounts and types of moneys
21 used for payment of such bonds or indebtedness.

22 7. A governmental entity may contract with a council of
23 governments to perform any duty or power authorized under this
24 chapter or for the completion of a project.

25 **Sec. 6. NEW SECTION. 418.5 Flood mitigation board.**

26 1. The flood mitigation board is established consisting of
27 nine voting members and four ex officio, nonvoting members, and
28 is located for administrative purposes within the division.
29 The administrator of the division shall provide office space,
30 staff assistance, and necessary supplies and equipment for
31 the board. The administrator shall budget funds to pay the
32 necessary expenses of the board. In performing its functions,
33 the board is performing a public function on behalf of the
34 state and is a public instrumentality of the state.

35 2. The voting membership of the board shall include all of



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1 independent engineering review of the project to determine
2 the technical feasibility, engineering standards, and total
3 estimated cost of the project. An engineering review required
4 by the board under this subsection may be completed by the
5 United States army corps of engineers.

6 4. Upon review of the applications, the board, following
7 consultation with the economic development authority, shall
8 approve, defer, or deny the applications. If a project plan
9 is denied, the board shall state the reasons for the denial
10 and the governmental entity may resubmit the application so
11 long as the application is filed on or before January 1, 2016.
12 If a project plan application is approved, the board shall
13 specify whether the governmental entity is approved for the
14 use of sales tax revenues under section 418.12 or whether the
15 governmental entity is approved to receive financial assistance
16 from the flood mitigation fund under section 418.10. If
17 the board approves a project plan application that includes
18 financial assistance from the flood mitigation fund, the board
19 shall negotiate and execute on behalf of the division all
20 necessary agreements to provide such financial assistance. If
21 the board approves a project plan application that includes
22 the use of sales tax increment revenues, the board shall
23 establish the annual maximum amount of such revenues that
24 may be remitted to the governmental entity not to exceed the
25 limitations in section 418.12, subsection 4. The board may,
26 however, establish remittance limitations for the project lower
27 than the individual project remittance limitations specified
28 for projects under section 418.12, subsection 4.

29 5. The board shall not approve a project plan application
30 that includes financial assistance from the flood mitigation
31 fund or the use of sales tax revenue to pay principal and
32 interest on or to refinance any debt or other obligation
33 existing prior to the approval of the project.

34 6. The board shall not approve a project plan application
35 for which the amount of sales tax increment revenue remitted to

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1 the governmental entity would exceed fifteen million dollars in
2 any one fiscal year or if approval of the project would result
3 in total remittances in any one fiscal year for all approved
4 projects to exceed, in the aggregate, thirty million dollars.

5 7. Upon approval of an application for financial assistance
6 under the program, the board shall notify the treasurer of
7 state regarding the amount of moneys needed to satisfy the
8 award of financial assistance and the terms of the award. The
9 treasurer of state shall notify the division any time moneys
10 are disbursed to a recipient of financial assistance under the
11 program.

12 8. If, following approval of a project application under the
13 program, it is determined that the amount of federal financial
14 assistance exceeds the amount of federal financial assistance
15 specified in the application, the board shall reduce the award
16 of financial assistance from the flood mitigation fund or
17 reduce the amount of sales tax revenue to be received for the
18 project by a corresponding amount.

19 **Sec. 11. NEW SECTION. 418.10 Flood mitigation fund.**

20 1. A flood mitigation fund is created as a separate and
21 distinct fund in the state treasury under the control of the
22 board and consists of moneys appropriated by the general
23 assembly and any other moneys available to and obtained or
24 accepted by the board for placement in the fund. Moneys in the
25 fund shall only be used for the purposes of this section.

26 2. Payments of interest, repayments of moneys loaned
27 pursuant to this chapter, and recaptures of grants, if provided
28 for in the financial assistance agreements, shall be deposited
29 in the fund.

30 3. The moneys in the fund shall be used to provide
31 assistance in the form of grants, loans, and forgivable loans.
32 The board may only provide financial assistance from moneys in
33 the fund.

34 4. Moneys credited to the fund are not subject to
35 section 8.33 and shall not be transferred, used, obligated,

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1 and distinct fund in the state treasury under the control of
2 the department of revenue consisting of the amount of the
3 increased state sales and services tax revenues collected by
4 the department of revenue within each applicable area specified
5 in section 418.11, subsection 3, and deposited in the fund
6 pursuant to section 423.2, subsection 11, paragraph "b". Moneys
7 deposited in the fund are appropriated to the department of
8 revenue for the purposes of this section. Moneys in the fund
9 shall only be used for the purposes of this section.

10 2. An account is created within the fund for each
11 governmental entity that has adopted a resolution under section
12 418.4, subsection 3, paragraph "d".

13 3. The department of revenue shall deposit in the fund the
14 moneys described in subsection 1 beginning the first day of the
15 quarter following receipt of a resolution under section 418.4,
16 subsection 3, paragraph "d". However, in no case shall a sales
17 tax increment be calculated under section 418.11 or such moneys
18 be deposited in the fund under this section prior to January
19 1, 2014.

20 4. a. Upon request of a governmental entity, the department
21 of revenue shall remit the moneys in the governmental entity's
22 account within the fund to the governmental entity for deposit
23 in the governmental entity's flood project fund. Such requests
24 shall be made not more than quarterly. Requests for remittance
25 shall be submitted on forms prescribed by the department
26 of revenue. In lieu of quarterly requests, a governmental
27 entity may submit a certified schedule of principal and
28 interest payments on bonds issued under section 418.14. If
29 such a certified schedule is submitted, the department of
30 revenue shall, subject to the remittance limitations of this
31 chapter, remit from the governmental entity's account to the
32 governmental entity for deposit in the governmental entity's
33 flood project fund the amounts necessary for such principal and
34 interest payments in accordance with the certified schedule.
35 Requests for remittance shall be made for the amount of moneys

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1 section 418.10 shall be deposited in the governmental entity's
2 flood project fund created for purposes of this chapter and
3 shall be used to fund the costs of the governmental entity's
4 approved project and to pay principal and interest on bonds
5 issued pursuant to section 418.14, if applicable.

6 2. In addition to the moneys received pursuant to section
7 418.10 or 418.12, a governmental entity may deposit in the
8 flood project fund any other moneys lawfully received by the
9 governmental entity, including but not limited to local sales
10 and services tax receipts collected under chapter 423B.

11 Sec. 15. NEW SECTION. 418.14 Bond issuance.

12 1. a. A governmental entity receiving sales tax revenues
13 pursuant to this chapter is authorized to issue bonds that are
14 payable from revenues deposited in the governmental entity's
15 flood project fund created pursuant to section 418.13 for the
16 purpose of funding a project in the area from which sales tax
17 revenues will be collected.

18 b. A governmental entity shall have the authority to pledge
19 irrevocably to the payment of the bonds an amount of revenue
20 derived from the sales tax revenue received by the governmental
21 entity pursuant to section 418.12 for each of the years the
22 bonds remain outstanding, together with other amounts held in
23 the flood project fund of the governmental entity.

24 c. The costs of a project may include but are not limited
25 to administrative expenses, construction and reconstruction
26 costs, engineering, fiscal, financial and legal expenses,
27 surveys, plans and specifications, interest during construction
28 or reconstruction and for one year after completion of the
29 project, initial reserve funds, acquisition of real or personal
30 property necessary for the construction or reconstruction
31 of the project, and such other costs as are necessary and
32 incidental to the construction or reconstruction of the project
33 and the financing thereof. The governmental entity shall have
34 the power to retain and enter into agreements with engineers,
35 fiscal agents, financial advisers, attorneys, architects, and



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1 provisions of this section shall be deposited into the general
2 fund of the state.

3 (2) Subsequent to the deposit into the general fund of the
4 state, the director shall credit an amount equal to the amount
5 of the increase in sales tax revenue, determined in section
6 418.11, subsection 2, paragraph "d", in the applicable area of a
7 governmental entity that is approved to use sales tax revenues
8 under chapter 418 into an account created for that governmental
9 entity in the sales tax increment fund created in section
10 418.12. The director shall credit the moneys beginning the
11 first day of the quarter following adoption of the resolution
12 pursuant to section 418.4, subsection 3, paragraph "d".

13 b. Subsequent to the deposit into the general fund of the
14 state and after the transfer of such pursuant to paragraph "a",
15 the department shall do the following in the order prescribed:

16 (1) Transfer the revenues collected under chapter 423B, the
17 department shall transfer.

18 (2) Transfer one-sixth of such the remaining revenues to the
19 secure an advanced vision for education fund created in section
20 423F.2. This paragraph subparagraph (2) is repealed December
21 31, 2029.

22 (3) Transfer to the sales tax increment fund that portion of
23 the sales tax receipts described in paragraph "a", subparagraph
24 (2), remaining after the transfers required under subparagraphs
25 (1) and (2) of this paragraph "b".

26 **Sec. 18. EFFECTIVE UPON ENACTMENT.** This Act, being deemed
27 of immediate importance, takes effect upon enactment.

28 **EXPLANATION**

29 This bill relates to flood mitigation by establishing a
30 flood mitigation program, establishing a flood mitigation
31 board, authorizing the use of certain sales tax revenue
32 and other financial assistance for certain flood mitigation
33 projects and providing for their appropriation, establishing a
34 flood mitigation fund, and authorizing the issuance of bonds
35 for certain flood mitigation projects.



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1 approval from the board for a project if the governmental
2 entity previously had a project approved under the flood
3 mitigation program or was part of a governmental entity that
4 previously had a project approved by the board under the flood
5 mitigation program.

6 The bill provides that a project eligible for state
7 financial assistance under Code section 29C.6(17) is ineligible
8 for approval by the board under the flood mitigation program.

9 The bill requires a governmental entity that has a project
10 approved by the flood mitigation board to prepare and submit an
11 annual report on or before December 15 to the board detailing
12 the status and progress of the project.

13 The bill establishes a flood mitigation board within the
14 homeland security and emergency management division of the
15 department of public defense consisting of nine voting members
16 and four ex officio, nonvoting legislative members. The voting
17 membership of the board includes four members of the general
18 public having demonstrable experience or expertise in the field
19 of natural disaster or flood mitigation, the director of the
20 department of natural resources or the director's designee,
21 the secretary of agriculture or the secretary's designee,
22 the treasurer of state or the treasurer's designee, the
23 administrator of the homeland security and emergency management
24 division or the administrator's designee, and the executive
25 director of the Iowa finance authority or the executive
26 director's designee. Appointment of the general public members
27 shall be made by the governor, shall be subject to confirmation
28 by the senate, and shall be for three-year staggered terms.
29 The members of the board are entitled to receive reimbursement
30 for actual expenses incurred while engaged in the performance
31 of official duties.

32 The bill requires the board to establish and administer a
33 flood mitigation program to assist governmental entities in
34 undertaking approved projects. The flood mitigation program
35 includes projects approved by the board to utilize either

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1 financial assistance from the flood mitigation fund created
2 in the bill or sales tax increment revenues remitted to the
3 governmental entity. The bill prohibits a project from being
4 approved by the board to utilize both financial assistance from
5 the flood mitigation fund and sales tax increment revenues for
6 the same project. The bill authorizes the board to consult
7 with the Iowa flood center to assist the board in administering
8 the flood mitigation program.

9 Governmental subdivisions must submit project applications
10 to the flood mitigation board for approval. The board is
11 prohibited from approving applications submitted after
12 January 1, 2016. The application shall specify whether the
13 governmental entity is requesting financial assistance from
14 the flood mitigation fund or approval for the use of sales tax
15 increment revenues. Applications for financial assistance
16 from the flood mitigation fund are required to describe the
17 type and amount of assistance requested. Applications for the
18 use of sales tax increment revenues shall state the amount of
19 such revenues necessary for completion of the project. Each
20 application shall include, or have attached to the application,
21 the governmental entity's project plan.

22 The bill requires the board, when reviewing applications,
23 in addition to the governmental entity's project plan, to
24 consider, at a minimum, whether the project is designed
25 to mitigate future flooding of property that has sustained
26 significant flood damage and is likely to sustain significant
27 flood damage in the future, whether the project addresses the
28 impact of flooding both upstream and downstream from the area
29 where the project is to be undertaken, whether the project
30 conforms to any applicable floodplain ordinance, whether the
31 area that would benefit from the project's flood mitigation
32 efforts is sufficiently valuable to the economic viability
33 of the state or is of sufficient historic value to the state
34 to justify the cost of the project, the extent to which the
35 project would utilize local matching funds including whether

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1 the amount of sales tax increment revenues to be received for
2 the project if federal financial assistance exceeds the amount
3 stated in the project plan application.

4 Under the bill, the board shall not approve a project plan
5 application for which the amount of sales tax increment revenue
6 remitted to the governmental entity would exceed \$15 million in
7 any one fiscal year or if approval of the project would result
8 in total remittances in any one fiscal year for all approved
9 projects to exceed, in the aggregate, \$30 million.

10 The bill requires the flood mitigation board to prepare
11 and submit an annual report to the governor and the general
12 assembly on or before January 15 containing certain information
13 relating to the projects approved by the board, certain
14 information relating to the governmental entities undertaking
15 each project, and any recommendations for legislative action to
16 modify the provisions of new Code chapter 418.

17 The bill establishes a flood mitigation fund as a separate
18 and distinct fund in the state treasury under the control
19 of the board. Moneys in the flood mitigation fund are used
20 to provide assistance in the form of grants, loans, and
21 forgivable loans. The board may make a multiyear commitment
22 to a governmental entity of up to \$4 million in any one fiscal
23 year. Following completion of all projects approved to utilize
24 financial assistance from the fund and upon a determination
25 by the board that remaining moneys in the fund are no longer
26 needed for the program, all moneys remaining in the fund or
27 subsequently deposited in the fund shall be credited for
28 deposit in the general fund of the state.

29 The bill authorizes, upon approval of the flood mitigation
30 board, governmental entities to use increased sales tax revenue
31 collected within a specified area to fund projects.

32 The bill establishes the methodology to be used by the
33 department of revenue for calculating the increased sales tax
34 revenue for each governmental entity approved to use such
35 revenue for a project under the bill.

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1 The bill creates a sales tax increment fund within the
2 department of revenue and an account in the fund for each
3 governmental entity approved by the flood mitigation board to
4 use such revenues for a project. The department credits the
5 amount of the governmental entity's increased revenues to the
6 governmental entity's account. However, the bill specifies
7 that in no case shall a sales tax increment be credited to the
8 fund prior to January 1, 2014.

9 The bill directs the department of revenue to remit the
10 moneys in the governmental entity's account within the fund
11 upon request of the governmental entity. Such requests shall
12 be made not more than quarterly or according to a schedule
13 submitted by the governmental entity. Requests for remittance
14 shall be made for the amount of moneys in the governmental
15 entity's account necessary to pay the governmental entity's
16 costs or obligations related to the project, according to the
17 sales tax revenue funding needs specified in the approved
18 project plan. A governmental entity shall not, however,
19 receive remittances during any fiscal year exceeding \$15
20 million or 70 percent of the total yearly amount of increased
21 sales tax increment revenue in the governmental entity's
22 applicable area, whichever is less. Remittances from the
23 department of revenue are deposited in the governmental
24 entity's flood project fund. In addition, the total amount
25 of remittances during any fiscal year for all governmental
26 entities approved to use sales tax increment revenues under
27 this chapter shall not exceed, in the aggregate, \$30 million.
28 If the department of revenue determines that the revenue
29 accruing to the sales tax increment fund or accounts within
30 the fund exceed \$30 million or the amount necessary for the
31 purposes of new Code chapter 418 if less than \$30 million, then
32 those excess moneys shall be credited by the department of
33 revenue for deposit in the general fund of the state.

34 Under the bill, if the nonpublic investment requirements
35 for the project are not satisfied, the board shall reduce the

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1 governmental entity's amount of sales tax increment revenues
2 eligible to be remitted during the remaining period of time for
3 receiving remittances by an amount equal to the shortfall in
4 nonpublic investment. However, such a reduction shall not be
5 to an amount less than zero.

6 The bill provides that moneys deposited in a governmental
7 entity's flood project fund shall be used to fund costs of the
8 projects and to pay principal and interest on bonds issued
9 under the bill, if applicable. The bill also provides that in
10 addition to the sales tax revenues remitted by the department
11 of revenue and financial assistance from the flood mitigation
12 fund, a governmental entity may deposit in the flood project
13 fund any other moneys lawfully received by the governmental
14 entity, including but not limited to local sales and services
15 tax receipts.

16 The bill authorizes the issuance of bonds by a governmental
17 entity for the payment of project costs, as defined in
18 the bill, that are payable from moneys deposited in the
19 governmental entity's flood project fund if the governmental
20 entity is receiving sales tax revenue under the bill. The
21 principal and interest on such bonds issued by a governmental
22 entity are payable solely from and secured by the revenue
23 derived from the increased sales tax revenues received by the
24 governmental entity and from other funds of the governmental
25 entity lawfully available from the governmental entity's flood
26 project fund. In issuing the bonds, the governmental entity
27 must comply with the revenue bond authorization procedures
28 applicable to cities pursuant to Code section 384.83. The
29 bill provides that bonds, notes, or other obligations issued
30 by a governmental entity are not an obligation of the state.
31 The bill also provides that, except as specifically provided
32 in the bill, bonds, notes, or other obligations issued by a
33 governmental entity are not an obligation of any political
34 subdivision of the state except the governmental entity. The
35 bill prohibits a governmental entity from pledging the credit

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1 or taxing power of the state. Except as specifically provided
2 in the bill, a governmental entity is prohibited from pledging
3 the credit or taxing power of a political subdivision of the
4 state.

5 If the moneys in the governmental entity's flood project
6 fund are insufficient to pay the governmental entity's
7 costs related to bonds, notes, or other obligations issued
8 under the bill, the amounts necessary to pay such costs may
9 be levied and transferred for deposit in the governmental
10 entity's flood project fund from the debt service fund of the
11 governmental entity, or, if applicable, the debt service fund
12 of a participating city or county for a governmental entity
13 operating under a Code chapter 28E agreement, as provided in
14 the Code chapter 28E agreement or the resolution authorizing
15 the issuance of the bonds, if applicable.

16 The bill provides that a governmental entity shall not
17 receive remittances of sales tax increment revenue under the
18 bill after 25 years from the date the governmental entity's
19 project was approved by the board. The bill provides that if
20 the governmental entity ceases to need the sales tax increment
21 revenues prior to the expiration of such limitation, the
22 governmental entity shall notify the director of revenue.

23 Under the bill, all property and improvements acquired by a
24 governmental entity operated under a Code chapter 28E agreement
25 relating to a project shall be transferred to the county,
26 city, or drainage district designated in the Code chapter 28E
27 agreement to receive such property and improvements. The
28 city or county to which such property or improvements are
29 transferred shall, unless otherwise provided in the Code
30 chapter 28E agreement, be solely responsible for the ongoing
31 maintenance and support of such property and improvements.

32 The bill takes effect upon enactment.



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Senate Study Bill 3131 - Introduced

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

A BILL FOR

1 An Act relating to the technical administration of the tax
2 and related laws by the department of revenue, including
3 the administration of income taxes, sales and use taxes,
4 franchise fees, notification of annexation or severance
5 by cities, and cigarette and tobacco taxes, and including
6 retroactive applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 ~~imposed in section 533.329.~~ Any consideration paid for the
2 transfer of the tax credit shall not be deducted from income
3 under chapter 422, divisions II, III, and V, ~~under chapter~~
4 ~~432, or against the moneys and credits tax imposed in section~~
5 ~~533.329.~~

6 Sec. 6. Section 15.393, subsection 2, paragraph b,
7 subparagraph (2), Code Supplement 2011, is amended to read as
8 follows:

9 (2) After verifying the eligibility for a tax credit
10 under this paragraph "b", the economic development authority
11 shall issue a film, television, and video project promotion
12 program tax credit certificate to be attached to the person's
13 tax return. The tax credit certificate shall contain the
14 taxpayer's name, address, tax identification number, the date
15 of project completion, the amount of credit, other information
16 required by the department of revenue, and a place for the name
17 and tax identification number of a transferee and the amount
18 of the tax credit being transferred. Tax credit certificates
19 issued under this paragraph "b" may be transferred to any person
20 or entity. Within ninety days of transfer, the transferee
21 shall submit the transferred tax credit certificate to the
22 department of revenue along with a statement containing the
23 transferee's name, tax identification number, and address,
24 and the denomination that each replacement tax credit
25 certificate is to carry and any other information required by
26 the department of revenue. Within thirty days of receiving
27 the transferred tax credit certificate and the transferee's
28 statement, the department of revenue shall issue one or more
29 replacement tax credit certificates to the transferee. Each
30 replacement tax credit certificate must contain the information
31 required for the original tax credit certificate and must have
32 the same expiration date that appeared in the transferred tax
33 credit certificate. Tax credit certificate amounts of less
34 than the minimum amount established by rule of the economic
35 development authority shall not be transferable. A tax credit

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1 shall not be claimed by a transferee under this paragraph
 2 "b" until a replacement tax credit certificate identifying
 3 the transferee as the proper holder has been issued. The
 4 transferee may use the amount of the tax credit transferred
 5 against the taxes imposed in chapter 422, divisions II,
 6 III, and V, and in chapter 432, and against the moneys and
 7 credits tax imposed in section 533.329, for any tax year the
 8 original transferor could have claimed the tax credit. Any
 9 consideration received for the transfer of the tax credit shall
 10 not be included as income under chapter 422, divisions II, III,
 11 and V, ~~under chapter 432, or against the moneys and credits tax~~
 12 ~~imposed in section 533.329.~~ Any consideration paid for the
 13 transfer of the tax credit shall not be deducted from income
 14 under chapter 422, divisions II, III, and V, ~~under chapter~~
 15 ~~432, or against the moneys and credits tax imposed in section~~
 16 ~~533.329.~~

17 Sec. 7. Section 422.7, subsection 9, Code Supplement 2011,
 18 is amended to read as follows:

19 9. Subtract the amount of the alcohol ~~fuel~~ and cellulosic
 20 biofuel fuels credit allowable for the tax year under section
 21 40 of the Internal Revenue Code to the extent that the credit
 22 increased federal adjusted gross income.

23 Sec. 8. Section 422.13, subsection 1, paragraph a, Code
 24 2011, is amended to read as follows:

25 a. The individual has net income of more than nine thousand
 26 dollars ~~or more~~ for the tax year from sources taxable under
 27 this division.

28 Sec. 9. Section 422.28, Code 2011, is amended to read as
 29 follows:

30 **422.28 Revision of tax.**

31 A taxpayer may appeal to the director for revision of
 32 the tax, interest, or penalties assessed at any time within
 33 sixty days from the date of the notice of the assessment of
 34 tax, additional tax, interest, or penalties. The director
 35 shall grant a hearing and if, upon the hearing, the director



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1 determines that the tax, interest, or penalties are excessive
2 or incorrect, the director shall revise them according to
3 the law and the facts and adjust the computation of the tax,
4 interest, or penalties accordingly. The director shall notify
5 the taxpayer by mail of the result of the hearing and shall
6 refund to the taxpayer the amount, if any, paid in excess of
7 the tax, interest, or penalties found by the director to be
8 due, with interest ~~after sixty days~~ accruing from the date of
9 first day of the second calendar month following the date of
10 payment by the taxpayer at the rate in effect under section
11 421.7 for each month or a fraction of a month.

12 Sec. 10. Section 422.33, subsection 5, paragraph f, Code
13 Supplement 2011, is amended by striking the paragraph.

14 Sec. 11. Section 422.33, subsection 12, paragraph b, Code
15 Supplement 2011, is amended to read as follows:

16 *b.* The taxes imposed under this division shall be reduced by
17 investment tax credits authorized pursuant to ~~sections~~ section
18 15.333, 15A.9, subsection 4, and section 15E.193B, subsection
19 6.

20 Sec. 12. Section 422.35, subsection 7, Code Supplement
21 2011, is amended to read as follows:

22 7. Subtract the amount of the alcohol ~~fuel~~ and cellulosic
23 biofuel fuels credit allowable for the tax year under section
24 40 of the Internal Revenue Code to the extent that the credit
25 increased federal taxable income.

26 Sec. 13. Section 422.36, subsection 4, Code 2011, is amended
27 to read as follows:

28 4. Foreign and domestic corporations shall file a copy of
29 their federal income tax return for the current tax year with
30 the return required by this section.

31 Sec. 14. Section 422.73, subsection 2, Code Supplement
32 2011, is amended by striking the subsection.

33 Sec. 15. Section 422.89, subsection 3, paragraph a,
34 unnumbered paragraph 1, Code Supplement 2011, is amended to
35 read as follows:



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1 a permit for each place of business in this state where sales
2 or use tax is collected. A permit is not assignable and is
3 valid only for the person in whose name it is issued and for the
4 transaction of business at the place designated or at a place
5 of relocation within the state same county if the ownership
6 remains the same.

7 Sec. 21. Section 423.57, Code 2011, is amended to read as
8 follows:

9 **423.57 Statutes applicable.**

10 The director shall administer this subchapter as it relates
11 to the taxes imposed in this chapter in the same manner and
12 subject to all the provisions of, and all of the powers,
13 duties, authority, and restrictions contained in sections
14 423.14, 423.15, 423.16, 423.17, 423.19, 423.20, 423.21, 423.22,
15 423.23, 423.24, 423.25, ~~423.28~~, 423.29, 423.31, 423.32, 423.33,
16 423.34, 423.34A, 423.35, 423.37, 423.38, 423.39, 423.40,
17 423.41, and 423.42, section 423.43, subsection 1, and sections
18 423.45, 423.46, and 423.47.

19 Sec. 22. Section 622.10, subsection 6, paragraph c, Code
20 Supplement 2011, is amended to read as follows:

21 c. Fees charged pursuant to this subsection are ~~not subject~~
22 ~~to a sales or use tax~~ exempt from the sales tax pursuant
23 to section 423.3, subsection 96. A provider providing the
24 records or images may require payment in advance if an itemized
25 statement demanding such is provided to the requesting party
26 within fifteen days of the request. Upon a timely request
27 for payment in advance, the time for providing the records or
28 images shall be extended until the greater of thirty days from
29 the date of the original request or ten days from the receipt
30 of payment.

31 Sec. 23. REPEAL. Section 423.28, Code 2011, is repealed.

32 **DIVISION III**

33 **MISCELLANEOUS**

34 Sec. 24. Section 364.2, subsection 4, paragraph f, Code
35 2011, is amended to read as follows:



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1 *f.* (1) A franchise fee assessed by a city may be based
 2 upon a percentage of gross revenues generated from sales of the
 3 franchisee within the city not to exceed five percent, without
 4 regard to the city's cost of inspecting, supervising, and
 5 otherwise regulating the franchise. Franchise fees collected
 6 pursuant to an ordinance in effect on May 26, 2009, shall be
 7 deposited in the city's general fund and such fees collected
 8 in excess of the amounts necessary to inspect, supervise, and
 9 otherwise regulate the franchise may be used by the city for
 10 any other purpose authorized by law. Franchise fees collected
 11 pursuant to an ordinance that is adopted or amended on or
 12 after May 26, 2009, to increase the percentage rate at which
 13 franchise fees are assessed shall be credited to the franchise
 14 fee account within the city's general fund and used pursuant
 15 to section 384.3A. If a city franchise fee is assessed to
 16 customers of a franchise, the fee shall not be assessed to the
 17 city as a customer. Before a city adopts or amends a franchise
 18 fee rate ordinance or franchise ordinance to increase the
 19 percentage rate at which franchise fees are assessed, a revenue
 20 purpose statement shall be prepared specifying the purpose or
 21 purposes for which the revenue collected from the increased
 22 rate will be expended. If property tax relief is listed as
 23 a purpose, the revenue purpose statement shall also include
 24 information regarding the amount of the property tax relief to
 25 be provided with revenue collected from the increased rate.
 26 The revenue purpose statement shall be published as provided
 27 in section 362.3.

28 (2) If a city adopts, amends, or repeals an ordinance
 29 imposing a franchise fee, the city shall promptly notify the
 30 director of revenue of such action.

31 Sec. 25. Section 368.24, Code 2011, is amended to read as
 32 follows:

33 **368.24 Notification to public utilities and to the department**
 34 **of revenue.**

35 Notwithstanding any other provision of law to the contrary,



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1 any city that annexes territory or any city from which
 2 territory is severed shall provide written notification
 3 consisting of a legal description and map of the annexed or
 4 severed territory, each street address within the annexed
 5 or severed area, where possible, a statement containing the
 6 effective date of the annexation or severance and a copy of
 7 the order, resolution, or ordinance proclaiming the annexation
 8 or severance to all public utilities operating in the annexed
 9 or severed area and to the department of revenue. If the
 10 notification of ~~the an~~ annexation is provided to a public
 11 utility less than sixty days prior to the effective date of the
 12 annexation, the public utility shall have sixty days from the
 13 date of notification to adjust its tax and accounting records
 14 to reflect the annexation for any tax purpose.

15 DIVISION IV

16 CIGARETTE AND TOBACCO TAXES

17 Sec. 26. Section 453A.1, subsections 4 and 14, Code 2011,
 18 are amended to read as follows:

19 4. *"Cigarette vending machine"* means any self-service device
 20 offered for public use which, upon ~~insertion of a coin, coins,~~
 21 ~~paper currency, or by other means~~ payment or insertion of
 22 loose tobacco product, dispenses, or assembles and dispenses,
 23 cigarettes or tobacco products ~~without the necessity of~~
 24 ~~replenishing the device between each vending operation.~~

25 14. *"Individual packages of cigarettes"* shall mean and
 26 include every package of cigarettes or quantity of cigarettes
 27 assembled and ordinarily sold at retail.

28 Sec. 27. Section 453A.6, subsection 7, Code 2011, is amended
 29 to read as follows:

30 7. Cigarettes shall be sold or dispensed only in packages or
 31 quantities of twenty or more cigarettes.

32 8. Any permit holder owning, renting, leasing, or otherwise
 33 operating a cigarette vending machine that dispenses unstamped
 34 cigarettes shall pay the tax directly to the department.

35 Sec. 28. Section 453A.36, subsections 6 and 8, Code 2011,



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1 are amended to read as follows:

2 6. Any sales of cigarettes or tobacco products made
3 through a cigarette vending machine are subject to rules and
4 penalties relative to retail sales of cigarettes and tobacco
5 products provided for in this chapter. Cigarettes shall not
6 be sold or dispensed through any cigarette vending machine
7 unless the cigarettes have been properly stamped or metered as
8 provided by this division, and in case of violation of this
9 provision, the permit of the dealer authorizing retail sales
10 of cigarettes shall be revoked. Payment of the permit fee as
11 provided in section 453A.13 authorizes a cigarette vendor to
12 sell cigarettes or tobacco products through vending machines.
13 However, cigarettes or tobacco products shall not be sold or
14 dispensed through a vending machine unless the vending machine
15 is located in a place where the retailer ensures that no person
16 younger than eighteen years of age is present or permitted to
17 enter at any time. Cigarettes or tobacco products shall not be
18 sold or dispensed through any cigarette vending machine if such
19 products are placed together with any nontobacco product, other
20 than matches, in the cigarette vending machine. This section
21 does not require a retail permit holder to buy a cigarette
22 vendor's permit if the retail permit holder is in fact the
23 owner of the cigarette vending machines and the machines are
24 operated in the location described in the retail permit.

25 8. It shall be unlawful for a holder of a retail permit
26 to sell, dispense, or distribute any cigarettes or tobacco
27 products, including but not limited to a single or loose
28 cigarette, that are not contained within a sealed carton, pack,
29 or package as provided by the manufacturer, which carton, pack,
30 or package bears the health warning that is required by federal
31 law.

32 EXPLANATION

33 This bill relates to the technical administration of the tax
34 and related laws by the department of revenue.

35 Division I of the bill relates to income taxes.

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1 the department whenever an ordinance imposing a franchise fee
2 is adopted, amended, or repealed. Because the imposition of
3 a franchise fee requires utilities to stop collecting the
4 local option sales and services tax and instead collect the
5 franchise fee, the adoption, amendment, or repeal of such a fee
6 impacts the department's distribution of local option sales and
7 services tax revenue to local governments.

8 The division amends Code section 368.24 to require cities
9 that annex or sever territory to also notify the department of
10 revenue, in addition to notifying public utilities, in order to
11 facilitate the department's distribution of local option sales
12 and service tax revenue to local governments.

13 Division IV of the bill relates to cigarette and tobacco
14 taxes.

15 The division amends the definitions in Code section
16 453A.1 for "cigarette vending machine" to include a machine
17 that assembles and dispenses cigarettes after payment or
18 the insertion of loose tobacco product, and for "individual
19 packages of cigarettes" to include a quantity of cigarettes
20 assembled and ordinarily sold at retail.

21 The division amends Code section 453A.6 to provide that
22 cigarettes shall only be dispensed in quantities of 20 or
23 more, and to provide that any permit holder owning, renting,
24 leasing, or otherwise operating a cigarette vending machine
25 that dispenses unstamped cigarettes shall pay the tax directly
26 to the department.

27 The division amends Code section 453A.36, relating to
28 unlawful acts, to include cigarettes dispensed from cigarette
29 vending machines within the scope of various unlawful acts.

30 Any dealer who operates a vending machine that dispenses
31 cigarettes shall have their retail permit revoked if the
32 cigarettes are not properly stamped or metered, if the vending
33 machine is located in a place where the dealer cannot ensure
34 that persons younger than 18 are not present or permitted,
35 or if the cigarettes are placed together with any nontobacco



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1 product other than matches. Also, any permit holder who
2 dispenses cigarettes or tobacco products that are not contained
3 within a sealed package containing the federally required
4 health warning shall have their permit revoked.