



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 27, 2012

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House File 2092

H-8031

1 Amend House File 2092 as follows:

2 1. Page 1, by striking lines 3 through 5 and
3 inserting:

4 <5. *"Farmers market"* means a marketplace which
5 seasonally operates principally as a common market for
6 ~~fresh fruits and vegetables~~ Iowa-produced farm products
7 on a retail basis for off-the-premises consumption.>

8 2. By renumbering as necessary.

COMMITTEE ON AGRICULTURE
SWEENEY of Hardin, Chairperson



**Iowa General Assembly
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House Joint Resolution 2009

H-8032

1 Amend House Joint Resolution 2009 as follows:

2 1. By striking everything after the resolving
3 clause and inserting:

4 <Section 1. The following amendment to the
5 Constitution of the State of Iowa is proposed:
6 Article I of the Constitution of the State of Iowa
7 is amended by adding the following new section:

8 **Right to acquire, keep, possess, transport, carry,**
9 **transfer, and use arms.** SEC. 1A. The right of an
10 individual to acquire, keep, possess, transport, carry,
11 transfer, and use arms to defend life and liberty and
12 for all other legitimate purposes is fundamental and
13 shall not be infringed upon or denied. Mandatory
14 licensing, registration, or special taxation as a
15 condition of the exercise of this right is prohibited,
16 and any other restriction shall be subject to strict
17 scrutiny.

18 Sec. 2. REFERRAL AND PUBLICATION. The foregoing
19 proposed amendment to the Constitution of the State of
20 Iowa is referred to the general assembly to be chosen
21 at the next general election for members of the general
22 assembly and the secretary of state is directed to
23 cause the same to be published for three consecutive
24 months previous to the date of that election as
25 provided by law.>

26 2. Title page, by striking lines 1 through 3 and
27 inserting <A Joint Resolution proposing an amendment
28 to the Constitution of the State of Iowa relating
29 to an individual's right to acquire, keep, possess,
30 transport, carry, transfer, and use arms.>

WINDSCHITL of Harrison



Iowa General Assembly
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House File 2320

H-8033

- 1 Amend House File 2320 as follows:
- 2 1. Page 2, line 2, by striking <— EMERGENCY RULES>
- 3 2. Page 2, line 3, by striking <1.>
- 4 3. Page 2, by striking lines 11 through 17.

JORGENSEN of Woodbury



Iowa General Assembly
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House Joint Resolution 2009

H-8034

1 Amend the amendment, H-8032, to House Joint
2 Resolution 2009 as follows:
3 1. Page 1, by striking lines 1 through 30 and
4 inserting:
5 <Amend House Joint Resolution 2009 as follows:
6 _____. By striking everything after the resolving
7 clause and inserting:
8 <Section 1. The following amendment to the
9 Constitution of the State of Iowa is proposed:
10 Article I of the Constitution of the State of Iowa
11 is amended by adding the following new section:
12 **RIGHT TO ACQUIRE, KEEP, POSSESS, TRANSPORT, CARRY,**
13 **TRANSFER, AND USE ARMS. SEC. 1A.** The right of the
14 people to keep and bear arms, shall not be infringed.
15 The right of an individual to acquire, keep,
16 possess, transport, carry, transfer, and use arms to
17 defend life and liberty and for all other legitimate
18 purposes is fundamental and shall not be infringed
19 upon or denied. Mandatory licensing, registration, or
20 special taxation as a condition of the exercise of this
21 right is prohibited, and any other restriction shall be
22 subject to strict scrutiny.
23 Sec. 2. REFERRAL AND PUBLICATION. The foregoing
24 proposed amendment to the Constitution of the State of
25 Iowa is referred to the general assembly to be chosen
26 at the next general election for members of the general
27 assembly and the secretary of state is directed to
28 cause the same to be published for three consecutive
29 months previous to the date of that election as
30 provided by law.>
31 _____. Title page, by striking lines 1 through 3 and
32 inserting <A Joint Resolution proposing an amendment
33 to the Constitution of the State of Iowa relating
34 to an individual's right to acquire, keep, possess,
35 transport, carry, transfer, use, and bear arms.>>
36 2. By renumbering as necessary.

HORBACH of Tama

H8032.4398 (1) 84

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rh/rj

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House File 2351

H-8035

1 Amend House File 2351 as follows:

2 1. Page 15, after line 21 by inserting:

3 <Sec. _____. NEW SECTION. 9B.21B Fees —
4 certification.

5 The secretary of state shall collect the following
6 fees, for use in offsetting the cost of administering
7 this chapter:

8 1. For furnishing a certified copy of any document,
9 instrument, or paper relating to a notary public, one
10 dollar per page and five dollars for the certificate.

11 2. For furnishing an uncertified copy of any
12 document, instrument, or paper relating to a notary
13 public, one dollar per page.

14 3. For certifying, under seal of the secretary
15 of state, a statement as to the status of a notary
16 commission which would not appear from a certified
17 copy of documents on file in the secretary of state's
18 office, five dollars.

19 4. For providing an electronic notary registration,
20 in an amount to be determined by the secretary of
21 state.>

22 2. Title page, line 1, before <and> by inserting <,
23 providing for fees,>

24 3. By renumbering as necessary.

HAGENOW of Polk



Iowa General Assembly
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House File 2335

H-8036

- 1 Amend House File 2335 as follows:
- 2 1. Page 16, line 25, by striking <and indirect>

WORTHAN of Buena Vista



Iowa General Assembly
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House File 2337

H-8037

- 1 Amend House File 2337 as follows:
- 2 1. Page 3, line 35, by striking <8,858,424> and
- 3 inserting <9,783,424>
- 4 2. By renumbering as necessary.

THOMAS of Clayton



Iowa General Assembly
Daily Bills, Amendments and Study Bills
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House File 2338

H-8040

1 Amend House File 2338 as follows:
2 1. Page 3, by striking lines 11 through 16 and
3 inserting:
4 <9. ~~The judicial branch is encouraged to purchase~~
5 ~~products from Iowa state industries, as defined in~~
6 ~~section 904.802, when purchases are required and the~~
7 ~~products are available from Iowa state industries.~~
8 ~~The judicial branch shall obtain bids from Iowa state~~
9 ~~industries for purchases of office furniture during the~~
10 ~~fiscal year beginning July 1, 2012, exceeding \$5,000.>~~

WORTHAN of Buena Vista



Iowa General Assembly
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House File 2337

H-8041

1 Amend House File 2337 as follows:

2 1. Page 7, lines 18 and 19, by striking <the
3 ~~science and technology research park, and~~> and
4 inserting <the science and technology research park,
5 and>

6 2. Page 7, line 23, by striking <843,832> and
7 inserting <2,424,302>

8 3. Page 7, line 24, by striking <56.63> and
9 inserting <56.63>

10 4. Page 7, by striking line 25.

11 5. Page 7, line 28, by striking <\$735,728> and
12 inserting <\$936,345>

13 6. Page 8, before line 20 by inserting:
14 <Sec. _____. 2011 Iowa Acts, chapter 130, section 58,
15 is amended to read as follows:

16 SEC. 58. UNIVERSITY OF IOWA.

17 1. There is appropriated from the general fund
18 of the state to the state university of Iowa for the
19 fiscal year beginning July 1, 2012, and ending June
20 30, 2013, the following amount, or so much thereof
21 as is necessary, to be used for the state university
22 of Iowa research park and for the advanced drug
23 development program at the Oakdale research park,
24 including salaries, support, maintenance, equipment,
25 miscellaneous purposes, and for not more than the
26 following full-time equivalent positions:

27	\$	104,640
28		209,279
29	FTEs	6.00

30 2. The state university of Iowa shall do all of the
31 following:

32 a. Direct expenditures for research toward projects
33 that will provide economic stimulus for Iowa.

34 b. Provide emphasis to providing services to
35 Iowa-based companies.

36 3. Notwithstanding section 8.33, moneys
37 appropriated in this section that remain unencumbered
38 or unobligated at the close of the fiscal year shall
39 not revert but shall remain available for expenditure
40 for the purposes designated until the close of the
41 succeeding fiscal year.>

42 7. Page 8, lines 25 and 26, by striking <the metal
43 ~~casting institute,~~> and inserting <the metal casting
44 institute,>

45 8. Page 8, line 26, by striking <application,> and
46 inserting <application,>

47 9. Page 8, line 31, by striking <517,263> and
48 inserting <574,716>

49 10. Page 8, line 32, by striking <6.75> and
50 inserting <6.75>

HF2337.4354 (2) 84

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ad/tm

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- 1 11. Page 8, by striking line 33.
- 2 12. By renumbering as necessary.

JACOBY of Johnson

HEDDENS of Story

KRESSIG of Black Hawk

KAJTAZOVIC of Black Hawk



Iowa General Assembly
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House File 2336

H-8042

- 1 Amend House File 2336 as follows:
- 2 1. Page 5, line 33, by striking <11,832,252> and
- 3 inserting <12,332,252>
- 4 2. By renumbering as necessary.

MUHLBAUER of Crawford



Iowa General Assembly
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House File 2335

H-8044

- 1 Amend House File 2335 as follows:
2 1. Page 8, line 16, by striking <12,204,948> and
3 inserting <14,193,633>
4 2. Page 8, line 20, by striking <10,336,948> and
5 inserting <10,595,835>
6 3. Page 8, line 24, by striking <5,599,765> and
7 inserting <7,143,585>
8 4. Page 8, line 28, by striking <5,391,355> and
9 inserting <5,441,802>
10 5. Page 8, line 33, by striking <18,742,129> and
11 inserting <19,049,459>
12 6. Page 9, line 2, by striking <13,112,563> and
13 inserting <15,157,577>
14 7. Page 9, line 6, by striking <6,492,814> and
15 inserting <7,610,054>
16 8. Page 9, line 10, by striking <6,879,715> and
17 inserting <8,258,414>

 HALL of Woodbury

 WINCKLER of Scott

 LYKAM of Scott

 KRESSIG of Black Hawk

 BERRY of Black Hawk

 KAJTAZOVIC of Black Hawk

 GASKILL of Wapello

 T. OLSON of Linn

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jm/jp

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RUNNING-MARQUARDT of Linn

HANSON of Jefferson



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House File 2335

H-8045

- 1 Amend House File 2335 as follows:
2 1. Page 15, line 18, by striking <51,903,233> and
3 inserting <52,603,233>
4 2. Page 15, line 20, by striking <498.05> and
5 inserting <505.05>

T. TAYLOR of Linn



Iowa General Assembly
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House File 2335

H-8046

- 1 Amend House File 2335 as follows:
2 1. Page 1, line 17, by striking <7,013,637> and
3 inserting <7,792,930>
4 2. Page 2, line 6, by striking <1,633,348> and
5 inserting <1,814,831>

T. TAYLOR of Linn



Iowa General Assembly
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House File 2335

H-8047

- 1 Amend House File 2335 as follows:
2 1. Page 3, line 22, by striking <40,859,943> and
3 inserting <42,224,825>
4 2. Page 3, line 27, by striking <31,985,974> and
5 inserting <33,209,488>
6 3. Page 3, line 32, by striking <55,717,933> and
7 inserting <56,713,406>
8 4. Page 4, line 2, by striking <25,958,757> and
9 inserting <26,601,701>
10 5. Page 4, line 7, by striking <25,917,815> and
11 inserting <26,321,902>
12 6. Page 4, line 12, by striking <9,316,466> and
13 inserting <9,403,464>
14 7. Page 4, line 17, by striking <24,477,653> and
15 inserting <25,706,380>
16 8. Page 4, line 27, by striking <15,615,374> and
17 inserting <15,832,339>
18 9. Page 4, line 32, by striking <29,062,235> and
19 inserting <29,259,196>
20 10. Page 5, line 3, by striking <775,092> and
21 inserting <1,075,092>
22 11. Page 5, line 7, by striking <239,411> and
23 inserting <484,411>
24 12. Page 5, line 29, by striking <4,835,542> and
25 inserting <5,181,582>
26 13. Page 8, line 16, by striking <12,204,948> and
27 inserting <12,658,088>
28 14. Page 8, line 20, by striking <10,336,948> and
29 inserting <10,467,801>
30 15. Page 8, line 24, by striking <5,599,765> and
31 inserting <5,952,381>
32 16. Page 8, line 28, by striking <5,391,355> and
33 inserting <5,416,853>
34 17. Page 8, line 33, by striking <18,742,129> and
35 inserting <18,897,467>
36 18. Page 9, line 2, by striking <13,112,563> and
37 inserting <13,712,506>
38 19. Page 9, line 6, by striking <6,492,814> and
39 inserting <6,716,588>
40 20. Page 9, line 10, by striking <6,879,715> and
41 inserting <7,372,419>

T. TAYLOR of Linn



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House File 2335

H-8048

- 1 Amend House File 2335 as follows:
2 1. Page 18, after line 2 by inserting:
3 <Sec. _____. 2011 Iowa Acts, chapter 134, section 46,
4 is amended to read as follows:
5 SEC. 46. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
6 DIVISION. There is appropriated from the wireless
7 E911 emergency communications fund created in section
8 34A.7A to the administrator of the homeland security
9 and emergency management division of the department of
10 public defense for the fiscal year beginning July 1,
11 2012, and ending June 30, 2013, an amount not exceeding
12 ~~\$200,000~~ \$250,000 to be used for implementation,
13 support, and maintenance of the functions of the
14 administrator and program manager under chapter 34A and
15 to employ the auditor of the state to perform an annual
16 audit of the wireless E911 emergency communications
17 fund.>
18 2. Page 18, after line 15 by inserting:
19 <Sec. _____. Section 85.67, Code 2011, is amended to
20 read as follows:
21 **85.67 Administration of fund — special counsel —**
22 **payment of award.**
23 The attorney general shall appoint a staff member to
24 represent the treasurer of state and the fund in all
25 proceedings and matters arising under this division.
26 The attorney general shall be reimbursed up to ~~one~~
27 ~~hundred fifty~~ two hundred thousand dollars annually
28 from the fund for services provided related to the
29 fund. The commissioner of insurance shall consider the
30 reimbursement to the attorney general as an outstanding
31 liability when making a determination of funding
32 availability under section 85.65A, subsection 2. In
33 making an award under this division, the workers'
34 compensation commissioner shall specifically find the
35 amount the injured employee shall be paid weekly, the
36 number of weeks of compensation which shall be paid by
37 the employer, the date upon which payments out of the
38 fund shall begin, and, if possible, the length of time
39 the payments shall continue.>
40 3. By renumbering as necessary.

T. TAYLOR of Linn

HF2335.4408 (1) 84

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jm/jp

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House File 2335

H-8049

1 Amend House File 2335 as follows:
2 1. Page 2, after line 2 by inserting:
3 <The department of justice shall also transfer an
4 additional \$360,000 from the victim compensation fund
5 established in section 915.94 to the victim assistance
6 grant program if the department of justice determines
7 that the additional transfer does not endanger the
8 solvency of the victim compensation fund, and the
9 transfer does not impede the ability of the department
10 of justice to make timely payment of compensation as
11 defined in section 915.80, subsection 1, and other
12 obligations authorized to be paid from the fund.>

WOLFE of Clinton

HF2335.4412 (1) 84

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jm/jp

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House File 2337

H-8051

- 1 Amend House File 2337 as follows:
- 2 1. Page 10, line 6, by striking <3.00> and
- 3 inserting <~~3.00~~ 4.00>
- 4 2. By renumbering as necessary.

ISENHART of Dubuque



Iowa General Assembly
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House File 2338

H-8052

- 1 Amend House File 2338 as follows:
- 2 1. Page 1, line 22, by striking <154,111,822> and
- 3 inserting <160,611,822>

T. Taylor of Linn



Iowa General Assembly
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House File 2335

H-8053

1 Amend House File 2335 as follows:
2 1. Page 19, after line 7 by inserting:
3 <Sec. _____. Section 654.4B, subsection 2, paragraph
4 b, Code Supplement 2011, is amended to read as follows:
5 b. This subsection is repealed July 1, ~~2012~~ 2013.>
6 2. Page 19, after line 7 by inserting:
7 <Sec. _____. CONTINGENT EFFECTIVE DATE. The section
8 of this Act amending section 654.4B, subsection 2,
9 paragraph "b", shall take effect unless 2012 Iowa
10 Acts, House File 2327, is enacted, and the repeal of
11 section 654.4B, subsection 2, is extended by one or
12 more years by House File 2327 or another enactment by
13 the Eighty-fourth General Assembly, 2012 session.>

T. TAYLOR of Linn

HF2335.4404 (2) 84

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jm/jp

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Iowa General Assembly
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House File 2378 - Introduced

HOUSE FILE 2378
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 624)
(SUCCESSOR TO HSB 46)

A BILL FOR

1 An Act relating to limitations on creditors' rights in
2 spendthrift trusts and discretionary trusts.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1902HZ (2) 84
rh/nh



**Iowa General Assembly
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H.F. 2378

1 Section 1. Section 633A.2302, subsection 3, Code 2011, is
2 amended by striking the subsection.

3 Sec. 2. Section 633A.2305, Code 2011, is amended to read as
4 follows:

5 **633A.2305 Discretionary trusts — effect of standard.**

6 ~~1.~~ Whether or not a trust contains a spendthrift provision,
7 a creditor or assignee of a beneficiary shall not compel a
8 distribution that is subject to the trustee's discretion, even
9 if any of the following occur:

10 ~~a.~~ 1. The discretion is expressed in the form of a standard
11 of distribution.

12 ~~b.~~ 2. The trustee has abused its discretion.

13 ~~2. This section shall not apply to a creditor of a~~
14 ~~beneficiary or to a creditor of a deceased beneficiary~~
15 ~~enforcing an interest in a trust, if any, given to a~~
16 ~~beneficiary by the trust instrument.~~

17 Sec. 3. Section 633A.2306, Code 2011, is amended to read as
18 follows:

19 **633A.2306 Court action — trustee's discretion.**

20 ~~1.~~ If a trustee has discretion as to payments to a
21 beneficiary, and refuses to make payments or exercise its
22 discretion, the court shall neither order the trustee to
23 exercise its discretion nor order payment from any such trust,
24 if any such payment would inure, directly or indirectly, to the
25 benefit of a creditor of the beneficiary.

26 ~~2. Notwithstanding subsection 1, the court may order~~
27 ~~payment to a creditor of a beneficiary or to a creditor of a~~
28 ~~deceased beneficiary if the beneficiary has or had an interest~~
29 ~~in the trust.~~

30 Sec. 4. NEW SECTION. **633A.2306A Medical assistance**
31 **payments.**

32 Notwithstanding sections 633A.2302 and 633A.2305, an
33 interest of a beneficiary may be reached by the department
34 of human services pursuant to section 249A.5 to satisfy an
35 enforceable claim for necessities against the beneficiary's



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H.F. 2378

1 estate.

2

EXPLANATION

3 This bill eliminates provisions in Code sections 633A.2302,
4 633A.2305, and 633A.2306 allowing a creditor to reach a
5 beneficiary's (including a deceased beneficiary) interest in
6 a spendthrift trust or a discretionary trust to satisfy an
7 enforceable claim against the beneficiary. The bill provides
8 that, notwithstanding Code sections 633A.2302 (spendthrift
9 trusts) and 633A.2305 (discretionary trusts), a beneficiary's
10 interest may be reached by the department of human services to
11 satisfy a medical assistance debt against the beneficiary's
12 estate.



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House File 2379 - Introduced

HOUSE FILE 2379
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2157)

A BILL FOR

1 An Act relating to expunging certain criminal records.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5626HV (2) 84
jm/rj



Iowa General Assembly
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H.F. 2379

1 Section 1. Section 907.1, Code 2011, is amended by adding
 2 the following new subsection:

3 NEW SUBSECTION. 2A. *“Expunged”* means the court’s criminal
 4 record with reference to a deferred judgment has been
 5 segregated in a secure area or database which is exempted from
 6 public access.

7 Sec. 2. Section 907.4, Code Supplement 2011, is amended to
 8 read as follows:

9 **907.4 Deferred judgment docket.**

10 1. A deferment of judgment under section 907.3 shall be
 11 entered promptly by the clerk of the district court, or the
 12 clerk’s designee, into the deferred judgment database of the
 13 state, which shall serve as the deferred judgment docket. The
 14 deferred judgment docket shall be maintained by the state court
 15 administrator and shall not be destroyed. The docket shall
 16 contain a permanent record of the deferred judgment including
 17 the name and date of birth of the defendant, the district court
 18 docket number, the nature of the offense, and the date of the
 19 deferred judgment. Before granting deferred judgment in any
 20 case, the court shall search the deferred judgment docket and
 21 shall consider any prior record of a deferred judgment against
 22 the defendant.

23 2. The permanent record provided for in this section
 24 is a confidential record exempted from public access under
 25 section 22.7 and shall be available only to justices of the
 26 supreme court, judges of the court of appeals, district judges,
 27 district associate judges, judicial magistrates, clerks of the
 28 district court, judicial district departments of correctional
 29 services, county attorneys, the department of public safety,
 30 and the department of corrections requesting information
 31 pursuant to this section, or the designee of a justice, judge,
 32 magistrate, clerk, judicial district department of correctional
 33 services, or county attorney, or departments.

34 Sec. 3. Section 907.9, subsection 4, Code 2011, is amended
 35 to read as follows:

LSB 5626HV (2) 84

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jm/rj

1/3



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H.F. 2379

1 segregated in a secure area or database exempt from public
2 access.

3 The bill specifies that the state court administrator shall
4 maintain the deferred judgment docket which shall not be
5 destroyed.

6 Under the bill, upon the discharge of a person on probation
7 for a deferred judgment, the court's criminal record of any
8 counts dismissed by the court, which were contained in the
9 indictment, information, or complaint that resulted in the
10 deferred judgment, and any other related charges that were not
11 contained in the indictment, information, or complaint but were
12 dismissed, shall be expunged in the same manner as the record
13 of the deferred judgment is expunged.

14 However, the bill specifies that the court's record shall
15 not be expunged until the person has paid the restitution
16 costs and fees assessed in the case that includes the deferred
17 judgement.

18 The bill also specifies that an expunged record is a
19 confidential record exempt from public access under Code
20 section 22.7 but shall be made available by the clerk of the
21 district court, upon request and without court order, to an
22 agency or person granted access to the deferred judgment docket
23 under Code section 907.4.



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House File 2380 - Introduced

HOUSE FILE 2380
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 517)

A BILL FOR

1 An Act relating to programs and activities under the purview of
2 the department of education, the state board of education,
3 the board of educational examiners, school districts,
4 and accredited nonpublic schools; and providing for the
5 retention of certain fees and for the use of certain funds.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5398HV (2) 84
kh/rj



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H.F. 2380

1 president of the senate, and one senator shall be appointed by
 2 the minority leader of the senate.

3 4. The person representing the area education agency shall
 4 convene the initial meeting. The task force shall elect one
 5 of its members as chairperson. After the initial meeting, the
 6 task force shall meet at the time and place specified by call
 7 of the chairperson. The department of education shall provide
 8 staffing services for the task force.

9 5. The task force shall submit its plan, findings, models,
 10 and recommendations in a final report to the state board of
 11 education, the governor, and the general assembly by January
 12 15, 2013.

13 Sec. 2. COMPETENCY-BASED EXEMPTION REQUEST — EXTENSION
 14 FOR 2012-2013 SCHOOL YEAR. The board of directors of a school
 15 district or the authorities in charge of a nonpublic school
 16 shall have until May 1, 2012, to submit a request for an
 17 exemption from the educational program to the director of the
 18 department of education in accordance with section 256.11,
 19 subsection 8, to create, beginning with the 2012-2013 school
 20 year, competency-based pathways for students that use standards
 21 and evidence as the baseline for competency determinations and
 22 bases advancement and credit on what students know or are able
 23 to do rather than on time spent in the classroom.

24 Sec. 3. EFFECTIVE UPON ENACTMENT. This division of this
 25 Act, being deemed of immediate importance, takes effect upon
 26 enactment.

DIVISION II

CORE CURRICULUM FRAMEWORK AND CORE CONTENT STANDARDS

29 Sec. 4. Section 256.7, subsection 26, paragraph a, Code
 30 Supplement 2011, is amended to read as follows:

31 a. Adopt rules that establish a core curriculum and high
 32 school graduation requirements for all students in school
 33 districts and accredited nonpublic schools that include at a
 34 minimum satisfactory completion of four years of English and
 35 language arts, three years of mathematics, three years of



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1 science, and three years of social studies.

2 (1) The rules establishing high school graduation
3 requirements shall authorize a school district or
4 accredited nonpublic school to consider that any student who
5 satisfactorily completes a high school-level unit of ~~English~~
6 ~~or language arts, mathematics, science, or social studies~~ has
7 satisfactorily completed a unit of the high school graduation
8 requirements for that area as specified in this ~~lettered~~
9 paragraph "a", and shall authorize the school district or
10 accredited nonpublic school to issue high school credit for the
11 unit to the student.

12 (2) The rules establishing a core curriculum shall address
13 the core content standards in subsection 28 and the skills and
14 knowledge students need to be successful in the twenty-first
15 century. ~~The core curriculum shall include, including but not~~
16 limited to English and language arts, mathematics, science,
17 social studies and twenty-first century learning skills
18 ~~which include but are not limited to, music and other fine~~
19 arts, applied arts, foreign languages, physical education,
20 entrepreneurship education, civic literacy, health literacy,
21 technology literacy, financial literacy, and employability
22 skills; and shall address the curricular needs of students
23 in kindergarten through grade twelve in those areas. The
24 department shall further define the twenty-first century
25 learning skills components by rule.

26 Sec. 5. Section 256.9, Code Supplement 2011, is amended by
27 adding the following new subsections:

28 NEW SUBSECTION. 62. Appoint members to the core curriculum
29 framework and core content standards advisory council
30 established in section 256.41. The director may establish
31 objectives for the council in accordance with section 256.41.

32 NEW SUBSECTION. 63. a. Create and disseminate to school
33 districts, charter schools, and accredited nonpublic schools
34 a model curriculum that is directly tied to the goals,
35 outcomes, and assessment strategies identified in the core



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1 content standards. The model curriculum shall identify a
2 developmentally appropriate scope and sequence of instruction
3 applicable to the core content standards, instructional
4 material resources, and teaching and assessment strategies.
5 The model curriculum shall provide guidance to school districts
6 and schools and expand on the core content standards. The
7 model curriculum shall be modified as necessary to incorporate
8 the core curriculum framework developed pursuant to paragraph
9 "b".

10 b. Develop by July 1, 2015, a core curriculum framework
11 aligned to the core curriculum standards established pursuant
12 to section 256.7, subsection 26.

13 Sec. 6. NEW SECTION. **256.41 Core curriculum framework and**
14 **core content standards advisory council.**

15 1. A core curriculum framework and core content standards
16 advisory council is established under the department.

17 2. The advisory council shall consist of no less than seven
18 members appointed by the director in accordance with sections
19 69.16, 69.16A, and 69.16C. Members shall serve at the pleasure
20 of the director.

21 3. The department is the primary agency responsible for
22 providing administrative personnel and services for the
23 advisory council.

24 4. Members shall elect a chair annually and other officers
25 as the members determine. Members shall establish rules of
26 procedure for the advisory council.

27 5. The advisory council shall meet at least quarterly and at
28 the call of the chair.

29 6. Members of the advisory council shall serve without
30 compensation but may be reimbursed for actual expenses incurred
31 in the performance of their duties.

32 7. The advisory council shall review the core curriculum,
33 the core content standards, and the model curriculum adopted
34 pursuant to section 256.7, subsections 26, 28, and 63 upon
35 request of the director and make recommendations to the

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1 director regarding a core curriculum framework and any
 2 necessary changes to the core curriculum content standards and
 3 model curriculum. In making recommendations, the advisory
 4 council shall seek to further the goals of the core content
 5 standards and any objectives established by the director.

6 DIVISION III

7 TEACHER AND ADMINISTRATOR PERFORMANCE

8 Sec. 7. Section 256.7, Code Supplement 2011, is amended by
 9 adding the following new subsection:

10 NEW SUBSECTION. 31. *a.* By January 1, 2013, adopt rules
 11 establishing Iowa teaching and administration standards
 12 that are aligned with best practices and nationally accepted
 13 standards.

14 *b.* By July 1, 2013, adopt by rule statewide teacher
 15 evaluation system and statewide administrator evaluation system
 16 pilot programs which shall be implemented during the 2013-2014
 17 school year. This paragraph is repealed July 1, 2015.

18 Sec. 8. Section 256.9, Code Supplement 2011, is amended by
 19 adding the following new subsection:

20 NEW SUBSECTION. 64. *a.* Develop a statewide teacher
 21 evaluation system and a statewide administrator evaluation
 22 system that school districts, charter schools, and accredited
 23 nonpublic schools shall use to standardize the instruments
 24 and processes used to evaluate teachers and administrators
 25 throughout the state. However, a charter school or accredited
 26 nonpublic school may develop and submit to the department for
 27 approval an alternative teacher evaluation system that meets
 28 local and state educational goals. Upon receiving approval
 29 from the department, the charter school or accredited nonpublic
 30 school may adopt and implement the approved alternative teacher
 31 evaluation system in lieu of the statewide teacher evaluation
 32 system.

33 *b.* The components of the statewide teacher evaluation system
 34 shall include but not be limited to the following:

35 (1) Direct observation of classroom teaching behaviors.

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1 (2) Strong consideration of student outcome measures, when
2 available for tested subjects and grades, to validate direct
3 observation of classroom teaching behaviors.

4 (3) Integration of the Iowa teaching standards.

5 (4) System applicability to teachers in all content areas
6 taught in a school.

7 Sec. 9. Section 284.3, Code 2011, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 4. This section is repealed July 1, 2013.

10 Sec. 10. Section 284.4, subsection 1, paragraph e, Code
11 2011, is amended to read as follows:

12 e. (1) Adopt a teacher evaluation plan that, at minimum,
13 requires a an annual performance review of teachers in the
14 district ~~at least once every three years~~ based upon the Iowa
15 teaching standards and individual professional development
16 plans in accordance with section 284.8, and requires
17 administrators to complete evaluator training in accordance
18 with section 284.10.

19 (2) Adopt, by July 1, 2013, the statewide teacher evaluation
20 system developed pursuant to section 256.9, subsection 64.
21 However, the school district may develop and submit to the
22 department for approval an alternative teacher evaluation
23 system that meets local and state educational goals. In lieu
24 of the statewide teacher evaluation system, the school district
25 may adopt and implement the alternative teacher evaluation
26 system upon receiving approval from the department.

27 Sec. 11. Section 284.8, subsections 1 and 2, Code 2011, are
28 amended to read as follows:

29 1. A school district shall provide for an annual
30 review a of each teacher's performance ~~at least once every~~
31 ~~three years~~ for purposes of assisting teachers in making
32 continuous improvement, documenting continued competence in
33 the Iowa teaching standards, identifying teachers in need of
34 improvement, or to determine whether the teacher's practice
35 meets school district expectations for career advancement in



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1 accordance with section 284.7. The review shall be conducted
 2 by at least one evaluator certified in accordance with section
 3 284.10, and shall include, at minimum, classroom observation
 4 of the teacher, the teacher's progress, and implementation of
 5 the teacher's individual professional development plan, subject
 6 to the level of resources provided to implement the plan; and
 7 shall include supporting documentation from parents, students,
 8 and other teachers.

9 2. If, as a result of a review conducted pursuant to
 10 subsection 1, a supervisor or an evaluator determines, at any
 11 time, as a result of a teacher's performance that the a teacher
 12 is not meeting district expectations under the Iowa teaching
 13 standards specified in section 284.3, subsection 1, paragraphs
 14 "a" through "h" established by the state board by rule, the
 15 criteria for the Iowa teaching standards developed by the
 16 department in accordance with section 256.9, subsection 46, and
 17 any other standards or criteria established in the collective
 18 bargaining agreement, the evaluator shall, at the direction of
 19 the teacher's supervisor, recommend to the district that the
 20 teacher participate in an intensive assistance program. The
 21 intensive assistance program and its implementation are subject
 22 to negotiation and grievance procedures established pursuant to
 23 chapter 20. All school districts shall be prepared to offer an
 24 intensive assistance program.

25 Sec. 12. Section 284A.7, Code 2011, is amended to read as
 26 follows:

27 **284A.7 Evaluation requirements for administrators.**

28 1. A school district shall conduct an annual evaluation
 29 of an administrator who holds a professional administrator
 30 license issued under ~~chapter 272 at least once every three~~
 31 years chapter 256 for purposes of assisting the administrator
 32 in making continuous improvement, documenting continued
 33 competence in the Iowa standards for school administrators
 34 adopted pursuant to section 256.7, subsection 27, or to
 35 determine whether the administrator's practice meets school



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1 district expectations. The review shall include, at a minimum,
 2 an assessment of the administrator's competence in meeting
 3 the Iowa standards for school administrators and the goals of
 4 the administrator's individual professional development plan,
 5 including supporting documentation or artifacts aligned to the
 6 Iowa standards for school administrators and the individual
 7 administrator's professional development plan.

8 2. Adopt the statewide administrator evaluation system
 9 developed pursuant to section 256.9, subsection 64. However,
 10 the school district may develop and submit to the department
 11 for approval an alternative administrator evaluation system
 12 that meets local and state educational goals. In lieu of
 13 the statewide administrator evaluation system, the school
 14 district may adopt and implement the alternative administrator
 15 evaluation system upon receiving approval from the department.

16 Sec. 13. STATEWIDE EDUCATOR EVALUATION SYSTEM TASK
 17 FORCE. The director of the department of education shall
 18 appoint, and provide staffing services for, a task force to
 19 conduct a study regarding a statewide teacher evaluation
 20 system and a statewide administrator evaluation system. The
 21 study of a statewide teacher evaluation system shall include a
 22 review of student outcome measures described in section 256.9,
 23 subsection 64, paragraph "b", subparagraph (2). To the extent
 24 possible, appointments shall be made to provide geographical
 25 area representation and to comply with sections 69.16, 69.16A,
 26 and 69.16C. The task force, at a minimum, shall include in its
 27 recommendations and proposal a tiered evaluation system that
 28 differentiates ineffective, minimally effective, effective, and
 29 highly effective performance by teachers and administrators.
 30 The task force shall submit its findings, recommendations, and
 31 a proposal for each system to the state board of education and
 32 the general assembly by October 15, 2012. By November 26,
 33 2012, the department of education shall submit a departmental
 34 bill drafting request to the legislative services agency
 35 in bill draft format making specific and detailed proposed

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1 amendments to the Code of Iowa necessary to advance the
2 proposed task force recommendations as approved by the state
3 board of education.

4 Sec. 14. TEACHER PERFORMANCE, COMPENSATION, AND CAREER
5 DEVELOPMENT TASK FORCE.

6 1. The director of the department of education shall
7 appoint, and provide staffing services for, a teacher
8 performance, compensation, and career development task force
9 to develop recommendations for a new teacher compensation
10 system to replace the current teacher compensation system which
11 addresses, at a minimum, the following:

- 12 a. The duties and responsibilities of apprentice, career,
13 mentor, and master teachers.
- 14 b. Utilizing retired teachers as mentors.
- 15 c. Strategic and meaningful uses of finite resources and the
16 realignment of resources currently available.
- 17 d. Mechanisms to substantially increase the average salary
18 of teachers who assume leadership roles within the profession.
- 19 e. Standardizing implementation of task force
20 recommendations in all of Iowa's school districts and public
21 charter schools.

22 2. The director of the department of education shall appoint
23 and provide staffing services for a task force whose members
24 shall represent teachers, parents, school administrators,
25 and business and community leaders. Insofar as practicable,
26 appointments shall be made to provide geographical area
27 representation and to comply with sections 69.16, 69.16A, and
28 69.16C.

29 3. The state board of education shall consider the findings
30 and recommendations of the task force when adopting rules
31 establishing Iowa teaching standards pursuant to this Act.

32 4. The task force shall submit its findings and
33 recommendations in a report to the state board of education,
34 the governor, and the general assembly by October 15, 2012.

35 Sec. 15. REPEAL. Section 284.14A, Code 2011, is repealed.

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1 Sec. 16. EFFECTIVE UPON ENACTMENT. The sections of
2 this division of this Act providing for the appointment of
3 the statewide educator evaluation system task force and the
4 appointment of the teacher performance, compensation, and
5 career development task force, being deemed of immediate
6 importance, take effect upon enactment.

7 Sec. 17. FUTURE CONTINGENT REPEAL AND USE OF EVALUATION
8 SYSTEMS.

9 1. Section 256.7, subsection 31, and section 256.9,
10 subsection 64, as enacted in this division of this Act, are
11 repealed if the general assembly fails to enact legislation
12 providing for the establishment of a statewide teacher
13 evaluation system and a statewide administrator evaluation
14 system during the 2013 Regular Session of the Eighty-fifth
15 General Assembly, effective July 1, 2013.

16 2. Notwithstanding the sections of this division of
17 this Act amending sections 284.3, 284.8, and 284A.7, if the
18 general assembly fails to enact legislation providing for the
19 establishment of a statewide teacher evaluation system and
20 a statewide administrator evaluation system during the 2013
21 Regular Session of the Eighty-fifth General Assembly, effective
22 July 1, 2013, all school districts shall continue to use the
23 teacher and administrator evaluation systems in place on June
24 30, 2013.

DIVISION IV

INNOVATION ACCELERATION PROGRAM — FUND

25
26
27 Sec. 18. NEW SECTION. **256.65 Innovation acceleration**
28 **program — fund.**

29 1. An innovation acceleration program is established
30 in the department to be administered by the department to
31 provide competitive grants to applicants with a record of
32 improving student achievement and educational attainment in
33 order to expand the implementation of, and investment in,
34 innovative practices that are demonstrated to have an impact
35 on improving student achievement or student growth, closing

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1 achievement gaps, decreasing dropout rates, increasing parental
 2 involvement, increasing attendance rates, increasing high
 3 school graduation rates, or increasing college and career
 4 program enrollment and completion rates. The state board shall
 5 adopt rules relating to applicant eligibility, application
 6 procedures, and awarding of grants.

7 2. The program shall be designed to enable grantees to
 8 accomplish all of the following:

9 a. Expand and develop innovative practices that can serve as
 10 models of best practices.

11 b. Work in partnership with the private sector,
 12 community-based organizations, and the philanthropic community.

13 c. Identify and document best practices that can be shared
 14 and expanded based on demonstrated success.

15 3. An innovation acceleration fund is created in the state
 16 treasury under the control of the department. The fund shall
 17 be administered by the director and shall consist of all moneys
 18 deposited in the fund, including any moneys appropriated by the
 19 general assembly and any other moneys available to and obtained
 20 or accepted by the department from local, state, federal, or
 21 private sources for purposes of the innovation acceleration
 22 program. Notwithstanding section 8.33, moneys in the fund at
 23 the end of a fiscal year shall not revert to the general fund
 24 of the state. Notwithstanding section 12C.7, subsection 2,
 25 interest or earnings on moneys in the fund shall be credited
 26 to the fund.

DIVISION V

ONLINE LEARNING

29 Sec. 19. Section 256.7, subsection 8, Code Supplement 2011,
 30 is amended to read as follows:

31 8. Rules adopted under this section shall provide that
 32 telecommunications, which for purposes of this chapter shall
 33 include coursework delivered online, as appropriate, shall
 34 not be used by school districts as the exclusive means to
 35 provide any course which is required by the minimum educational

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1 standards for accreditation.

2 Sec. 20. Section 257.6, subsection 1, paragraph a,
3 subparagraph (5), Code 2011, is amended to read as follows:

4 (5) (a) Resident pupils receiving competent private
5 instruction from a licensed practitioner provided through a
6 public school district pursuant to chapter 299A, and resident
7 pupils receiving coursework delivered online, shall be counted
8 as three-tenths of one pupil. Revenues received by a school
9 district attributed to a school district's weighted enrollment
10 pursuant to this subparagraph shall be expended for the purpose
11 for which the weighting was assigned under this subparagraph.

12 (b) If the school district determines that the expenditures
13 associated with providing competent private instruction
14 pursuant to chapter 299A are in excess of the revenue
15 attributed to the school district's weighted enrollment for
16 such instruction in accordance with this subparagraph, the
17 school district may submit a request to the school budget
18 review committee for modified allowable growth in accordance
19 with section 257.31, subsection 5, paragraph "n". A home school
20 assistance program shall not provide moneys received pursuant
21 to this subparagraph, nor resources paid for with moneys
22 received pursuant to this subparagraph, to parents or students
23 utilizing the program. Moneys received by a school district
24 pursuant to this subparagraph shall be used as provided in
25 section 299A.12.

26 DIVISION VI

27 EDUCATIONAL STANDARDS EXEMPTIONS

28 Sec. 21. Section 256.11, subsection 8, Code 2011, is amended
29 to read as follows:

30 8. a. Upon request of the ~~board of directors of a~~
31 ~~public school district or the~~ authorities in charge of a
32 nonpublic school, the director may, for a number of years to
33 be specified by the director, grant the ~~district board or the~~
34 authorities in charge of the nonpublic school exemption from
35 one or more of the requirements of the educational program

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1 specified in ~~subsection 5~~ this section. The exemption may be
 2 renewed. Exemptions shall be granted only if the director
 3 deems that the request made is an essential part of a planned
 4 innovative curriculum project which the director determines
 5 will adequately meet the educational needs and interests of
 6 the pupils and be broadly consistent with the intent of the
 7 educational program as defined in ~~subsection 5~~ this section.
 8 The request for exemption shall include all of the following:
 9 ~~a-~~ (1) Rationale of the project to include supportive
 10 research evidence.
 11 ~~b-~~ (2) Objectives of the project.
 12 ~~c-~~ (3) Provisions for administration and conduct of the
 13 project, including the use of personnel, facilities, time,
 14 techniques, and activities.
 15 ~~d-~~ (4) Plans for evaluation of the project by testing
 16 and observational measures of pupil progress in reaching the
 17 objectives.
 18 ~~e-~~ (5) Plans for revisions of the project based on
 19 evaluation measures.
 20 ~~f-~~ (6) Plans for periodic reports to the department.
 21 ~~g-~~ (7) The estimated cost of the project.
 22 b. Upon request of the board of directors of a public
 23 school district, the director may, for a number of years to be
 24 specified by the director, grant the district board exemption
 25 from one or more of the requirements of the educational program
 26 specified in this section if the school district complies with
 27 the requirements set forth in section 256F.4, subsection 2,
 28 paragraphs "a" through "m", the request for exemption includes
 29 the components specified in paragraph "a", subparagraphs (1)
 30 through (7), and the director deems that the request made is an
 31 essential part of a planned innovative curriculum project which
 32 the director determines will adequately meet the educational
 33 needs and interests of the pupils and be broadly consistent
 34 with the intent of the educational program as defined in this
 35 section.

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1 program to complete an initial assessment administered by
 2 the community college receiving the application to determine
 3 the applicant's readiness to enroll in career and technical
 4 coursework, and the community college may deny the enrollment.

5 DIVISION IX

6 SCHOOL INSTRUCTIONAL TIME TASK FORCE

7 Sec. 25. SCHOOL INSTRUCTIONAL TIME TASK FORCE.

8 1. The director of the department of education shall
 9 appoint a school instructional time task force comprised of at
 10 least seven members to conduct a study regarding the minimum
 11 requirements of the school day and the school year. The study
 12 shall include but not be limited to an examination of the
 13 following:

14 a. Whether the minimum length of an instructional day should
 15 be extended and, if so, whether the instructional day should be
 16 extended for all students or for specific groups of students.

17 b. Whether the minimum number of instructional days or
 18 hours in a school year should be increased and, if so, whether
 19 the minimum number of days or hours in a school year should be
 20 increased for all students or for specific groups of students.

21 c. Whether the minimum number of instructional days or hours
 22 should be rearranged to result in a shorter summer break, with
 23 other days or weeks off throughout the school year.

24 d. Whether the minimum school year should be defined by a
 25 number of days or by a number of instructional hours.

26 e. Whether there should be a uniform, statewide start date
 27 for the school year that can only be waived for the purpose of
 28 implementing an innovative educational program.

29 f. Whether resources necessary to extend the minimum length
 30 of an instructional day or the minimum length of a school year
 31 are justified when compared to competing education priorities.

32 2. The appointment of members to the task force shall
 33 be made in a manner which provides geographical area
 34 representation and complies with sections 69.16, 69.16A, and
 35 69.16C.



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1 3. The task force shall submit its findings and
2 recommendations in a report to the state board of education,
3 the governor, and the general assembly by October 15, 2012.

4 DIVISION X

5 ASSESSMENTS

6 Sec. 26. Section 256.7, subsection 21, paragraph c, Code
7 Supplement 2011, is amended to read as follows:

8 ~~c. A requirement that all school districts and accredited~~
9 ~~nonpublic schools annually report to the department and the~~
10 ~~local community the district-wide progress made in attaining~~
11 ~~student achievement goals on the academic and other core~~
12 ~~indicators and the district-wide progress made in attaining~~
13 ~~locally established student learning goals. The Use by school~~
14 ~~districts and accredited nonpublic schools shall demonstrate~~
15 ~~the use of multiple statewide assessment measures identified~~
16 ~~and approved by the state board in determining student~~
17 ~~achievement levels. The school districts and accredited~~
18 ~~nonpublic schools shall also report the number of students~~
19 ~~who graduate; the number of students who drop out of school;~~
20 ~~the number of students who are tested and the percentage of~~
21 ~~students who are so tested annually; and the percentage of~~
22 ~~students who graduated during the prior school year and who~~
23 ~~completed a core curriculum. The board shall develop and~~
24 ~~adopt uniform definitions consistent with the federal No Child~~
25 ~~Left Behind Act of 2001, Pub. L. No. 107-110 and any federal~~
26 ~~regulations adopted pursuant to the federal Act. The school~~
27 ~~districts and accredited nonpublic schools may report on other~~
28 ~~locally determined factors influencing student achievement.~~
29 ~~The school districts and accredited nonpublic schools shall~~
30 ~~also report to the local community their results by individual~~
31 ~~attendance center.~~

32 Sec. 27. Section 256.7, subsection 21, Code Supplement
33 2011, is amended by adding the following new paragraph:

34 NEW PARAGRAPH. *d.* By July 1, 2014, establishment by the
35 department of an accountability system designed to hold school



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1 districts and accredited nonpublic schools accountable for
2 student achievement. The accountability system shall, at
3 a minimum, define and measure student achievement, student
4 growth, student achievement gaps, college and career readiness,
5 student well-being, parent satisfaction, school staff working
6 conditions, school fiscal responsibility, and graduation
7 and attendance rates. The director may at the director's
8 discretion, or shall as directed by the state board, convene
9 a working group to develop recommendations for any of the
10 following:

11 (1) The accountability system established pursuant to this
12 paragraph.

13 (2) Redesigning the accreditation procedures implemented
14 under section 256.11.

15 (3) A compliance monitoring process aligned with the
16 accountability system.

17 (4) Targeting support for school districts identified as
18 needing assistance under the accountability system.

19 (5) Identifying, studying, and commending high-performing
20 districts.

21 (6) Developing strategies to take over the operation of
22 school districts determined pursuant to section 256.11, or
23 under the accountability system, as persistently failing to
24 meet educational system or student achievement standards.

25 Sec. 28. Section 256.7, subsection 26, paragraph a,
26 subparagraph (1), Code Supplement 2011, is amended to read as
27 follows:

28 (1) The rules establishing high school graduation
29 requirements shall authorize a school district or
30 accredited nonpublic school to consider that any student
31 who satisfactorily completes a high school-level unit of
32 English or language arts, mathematics, science, or social
33 studies has satisfactorily completed a unit of the high school
34 graduation requirements for that area as specified in this
35 lettered paragraph, and shall authorize the school district

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1 or accredited nonpublic school to issue high school credit
 2 for the unit to the student. The rules shall also require
 3 administration of the college entrance and career readiness
 4 examinations in accordance with section 280.18.

5 Sec. 29. Section 256.7, subsection 26, Code Supplement
 6 2011, is amended by adding the following new paragraph:

7 NEW PARAGRAPH. *d.* Adopt by rule by July 1, 2014, a policy
 8 for the incorporation by school districts of end-of-course
 9 assessments into the district's high school graduation
 10 requirements.

11 Sec. 30. Section 256.7, subsection 28, Code Supplement
 12 2011, is amended to read as follows:

13 28. Adopt a set of core content standards applicable to
 14 all students in kindergarten through grade twelve in every
 15 school district and accredited nonpublic school. ~~For purposes~~
 16 ~~of this subsection, "core content standards" includes reading,~~
 17 ~~mathematics, and science.~~ The core content standards shall be
 18 identical to the core content standards included include those
 19 established in Iowa's approved 2006 standards and assessment
 20 system under Tit. I of the federal Elementary and Secondary
 21 Education Act of 1965, 20 U.S.C. § 6301 et seq., as amended
 22 by the federal No Child Left Behind Act of 2001, Pub. L. No.
 23 107-110. ~~School districts and accredited nonpublic schools~~
 24 ~~shall include, at a minimum, the core content standards adopted~~
 25 ~~pursuant to this subsection in any set of locally developed~~
 26 ~~content standards. School districts and accredited nonpublic~~
 27 ~~schools are strongly encouraged to set higher expectations~~
 28 ~~in local standards.~~ As changes in federal law or regulation
 29 occur, the state board is authorized to amend the core content
 30 standards as appropriate.

31 Sec. 31. Section 256.9, Code Supplement 2011, is amended by
 32 adding the following new subsection:

33 NEW SUBSECTION. 68. Develop, by July 1, 2014, high school
 34 end-of-course assessments for subject areas included under the
 35 core content standards.



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1 Sec. 32. NEW SECTION. **256.24 Value-added assessment**
2 **system.**

3 1. For purposes of this section, unless the context
4 otherwise requires, "*value-added assessment*" means a method
5 to measure gains in student achievement by conducting a
6 statistical analysis of achievement data that reveals academic
7 growth over time for students and groups of students, such as
8 those in a grade level or in a school.

9 2. A value-added assessment system shall be established and
10 implemented by the department not later than January 31, 2013,
11 to provide for multivariate longitudinal analysis of annual
12 student test scores to determine the influence of a school
13 district's educational program on student academic growth and
14 to guide school district improvement efforts. The department
15 shall select a value-added assessment system provider through a
16 request for proposals process. The system provider selected
17 by the department shall offer a value-added assessment system
18 to calculate annually the academic growth of students, as
19 determined by the director, and tested in accordance with this
20 section. The system provider shall, at a minimum, meet all of
21 the following criteria:

22 *a.* Use a mixed-model statistical analysis that has the
23 ability to use all achievement test data for each student,
24 including the data for students with missing test scores, that
25 does not adjust downward expectations for student progress
26 based on race, poverty, or gender, and that will provide the
27 best linear unbiased predictions of school or other educational
28 entity effects to minimize the impact of random errors.

29 *b.* Have the ability to work with test data from a variety of
30 sources, including data that are not vertically scaled, and to
31 provide support for school districts utilizing the system.

32 *c.* Have the capacity to receive and report results
33 electronically and provide support for districts utilizing the
34 system.

35 3. The system provider shall create a mechanism to collect

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1 and evaluate data in a manner that reliably aligns the
2 performance of the teacher with the achievement levels of and
3 progress of the teacher's students. School districts shall
4 report teacher-to-student alignment data to the system provider
5 as directed by the department.

6 4. The system provider shall provide analysis to school
7 districts and to the department of education. The analysis
8 shall include but not be limited to attendance-center-level
9 test results for an assessment aligned with the core content
10 standards in the areas of reading and mathematics and other
11 core academic areas when possible. The analysis shall also
12 include but not be limited to the number of students tested,
13 the number of test results used to compute the averages,
14 the average standard score, and the corresponding grade
15 equivalent-score, as well as measures of student progress. The
16 system provider shall create a chart for each school district.

17 5. A school district shall have complete access to and
18 full utilization of its own value-added assessment reports and
19 charts generated by the system provider at the student level
20 for the purpose of measuring student achievement at different
21 educational entity levels.

22 6. Where student outcomes measures are available, for
23 tested subjects and grades, student outcomes measures
24 shall be considered by the district to validate a teacher's
25 observational evaluation. Student outcomes measures which are
26 a component of a teacher's evaluation are not public records
27 for the purposes of chapter 22.

28 7. Information about student academic growth shall be
29 used by the school district, including school board members,
30 administration, and staff, for defining student and district
31 learning goals and professional development related to student
32 learning goals across the school district. A school district
33 shall submit its academic growth measures in the annual report
34 submitted pursuant to section 256.7, subsection 21, and may
35 reference in the report state level norms for purposes of

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1 demonstrating school district performance.

2 8. The department shall use student academic growth data to
3 determine school improvement and technical assistance needs of
4 school districts, and to identify school districts achieving
5 exceptional gains. Beginning January 15, 2013, and by January
6 15 of each succeeding year, the department shall submit an
7 annual progress report regarding the use of student academic
8 growth information in the school improvement processes to the
9 general assembly and shall publish the progress report on its
10 internet site.

11 9. A school district shall use the value-added assessment
12 system established by the department pursuant to subsection 1
13 not later than the school year beginning July 1, 2013.

14 Sec. 33. Section 279.60, Code 2011, is amended to read as
15 follows:

16 **279.60 Kindergarten assessment Assessments — access to data**
17 **— reports.**

18 1. a. Each school district shall administer a kindergarten
19 readiness assessment prescribed by the department of education
20 to every resident prekindergarten or four-year-old child whose
21 parent or guardian enrolls the child in the district.

22 b. Each school district shall administer the dynamic
23 indicators of basic early literacy skills kindergarten
24 benchmark assessment or other kindergarten benchmark assessment
25 adopted by the department of education in consultation with
26 the early childhood Iowa state board to every kindergarten
27 student enrolled in the district not later than the date
28 specified in section 257.6, subsection 1. The school district
29 shall also collect information from each parent, guardian,
30 or legal custodian of a kindergarten student enrolled in the
31 district, including but not limited to whether the student
32 attended preschool, factors identified by the early childhood
33 Iowa office pursuant to section 256I.5, and other demographic
34 factors. Each school district shall report the results of
35 the assessment and the preschool information collected to



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1 establishment of a statewide plan for professional development
2 for practitioners employed in Iowa's school districts. The
3 statewide plan shall be designed to make every reasonable
4 effort to utilize best practices, current technologies, and
5 social media, and shall be implemented by the area education
6 agencies pursuant to section 273.2.

7 Sec. 38. Section 256.9, Code Supplement 2011, is amended by
8 adding the following new subsection:

9 NEW SUBSECTION. 69. Approve, amend and approve, or reject
10 each professional development plan submitted pursuant to
11 section 273.2, in accordance with the rules adopted pursuant to
12 section 256.7, subsection 32, providing for the establishment
13 of a statewide professional development plan for practitioners,
14 the services of which a school district may request pursuant
15 to section 273.2.

16 Sec. 39. Section 257.10, subsection 10, paragraph d, Code
17 2011, is amended to read as follows:

18 *d.* The use of the funds calculated under this subsection
19 shall comply with the requirements of section 256.7, subsection
20 32, and chapter 284.

21 Sec. 40. Section 257.10, subsection 10, Code 2011, is
22 amended by adding the following new paragraph:

23 NEW PARAGRAPH. *e.* For the budget year beginning July 1,
24 2012, and succeeding budget years, the department of management
25 shall reduce the distributions from the amount generated by the
26 total professional development supplement district cost to each
27 school district for the budget year by ten percent. However,
28 for purposes of the calculation of the combined district cost
29 pursuant to section 257.10, subsection 8, and the calculation
30 of the additional property tax pursuant to section 257.4, the
31 total professional development supplement district cost is the
32 amount which results after the reduction made pursuant to this
33 paragraph.

34 Sec. 41. Section 257.16, Code 2011, is amended by adding the
35 following new subsection:

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1 NEW SUBSECTION. 5. There is appropriated to the department
2 of education for the fiscal year beginning July 1, 2012, and
3 each fiscal year thereafter, an amount equal to the amount of
4 the professional development supplement reduction, determined
5 pursuant to section 257.10, subsection 10, paragraph `e`, and
6 section 257.37A, subsection 2, paragraph `d`, for purposes
7 of implementing a statewide professional development plan in
8 accordance with section 256.7, subsection 32.

9 Sec. 42. Section 257.37A, subsection 2, paragraph d, Code
10 2011, is amended to read as follows:

11 *d.* The use of the funds calculated under this subsection
12 shall comply with requirements of section 256.7, subsection 32,
13 and chapter 284.

14 Sec. 43. Section 257.37A, subsection 2, Code 2011, is
15 amended by adding the following new paragraph:

16 NEW PARAGRAPH. *e.* For the budget year beginning July 1,
17 2012, and succeeding budget years, the department of management
18 shall reduce the distributions from the amount generated by the
19 total area education agency professional development supplement
20 district cost to each area education agency for the budget
21 year by ten percent. However, for purposes of the calculation
22 of the combined district cost pursuant to section 257.10,
23 subsection 8, and the calculation of the additional property
24 tax pursuant to section 257.4, the total area educational
25 agency professional development supplement district cost is the
26 amount which results after the reduction made pursuant to this
27 paragraph.

28 Sec. 44. Section 273.2, Code Supplement 2011, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 10. The area education agency boards shall
31 each annually submit to the department of education a plan
32 for a professional development program, to be implemented in
33 the following fiscal year, which combines the professional
34 development priorities of the state board of education,
35 in accordance with section 256.7, subsection 32, with the



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1 professional development needs of the schools and school
 2 districts in the area. The area education agency board shall
 3 provide professional development services under the approved
 4 program to local school districts in the area upon request.

5 Sec. 45. Section 279.13, Code 2011, is amended by adding the
 6 following new subsection:

7 NEW SUBSECTION. 6. Notwithstanding the other provisions
 8 of this section and any contrary provision of the Code, if
 9 the board of directors of a school district or charter school
 10 institutes, by majority vote of the membership of the board,
 11 a reduction in force, a decision by the board not to renew a
 12 teacher contract shall be based upon the following:

13 a. The teacher's effectiveness as demonstrated in
 14 evaluations conducted under the teacher evaluation plan adopted
 15 pursuant to section 284.4, and the teacher's performance review
 16 conducted pursuant to section 284.8.

17 b. The teacher's licensure and endorsements and the needs of
 18 the school district or school, and the needs of the students.

19 c. The teacher's hiring date may be taken into consideration
 20 only if the bases existing under paragraphs "a" and "b" are
 21 substantially equal to the bases existing under paragraphs "a"
 22 and "b" for another teacher.

23 Sec. 46. Section 284.6, subsection 1, unnumbered paragraph
 24 1, Code Supplement 2011, is amended to read as follows:

25 The department shall ~~coordinate a~~ implement the statewide
 26 ~~network of~~ plan for professional development for ~~Iowa teachers~~
 27 practitioners established pursuant to section 256.7, subsection

28 32. A In addition, a school district or professional
 29 development provider that offers a career and professional
 30 development ~~program~~ programs in accordance with section 256.9,
 31 ~~subsection subsections 46, and 69~~ shall demonstrate that the
 32 ~~program contains~~ programs contain the following:

33 Sec. 47. Section 284.6, Code Supplement 2011, is amended by
 34 adding the following new subsection:

35 NEW SUBSECTION. 5A. The director may waive the requirements



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1 relating to the development and review of an individual teacher
2 professional development plan for a school district that
3 utilizes a peer review teacher evaluation system in which
4 consulting teachers, in conjunction with school administrators,
5 make formal evaluations of the school district's teachers,
6 including but not limited to each teacher's professional
7 growth and employment status. Notwithstanding section 284.8,
8 subsection 1, if the school district is granted a waiver
9 pursuant to this subsection, the review conducted pursuant to
10 section 284.8, subsection 1, shall include a teacher's review
11 conducted utilizing the peer review teacher evaluation system.

DIVISION XIII

CHARTER SCHOOL CHANGES

14 Sec. 48. Section 256F.1, subsections 1 and 2, Code 2011, are
15 amended by striking the subsections.

16 Sec. 49. Section 256F.1, subsection 3, unnumbered paragraph
17 1, Code 2011, is amended to read as follows:

18 The purpose of a charter school ~~or an innovation zone school~~
19 established pursuant to this chapter shall be to accomplish the
20 following:

21 Sec. 50. Section 256F.1, subsection 4, Code 2011, is amended
22 by striking the subsection and inserting in lieu thereof the
23 following:

24 4. This section shall not be construed to provide a means
25 to keep open a school that the board of directors of a school
26 district closes. However, a school board may endorse or
27 authorize the establishing of a charter school to replace the
28 school the board closes. Applicants seeking a charter under
29 this circumstance shall demonstrate to the state board that
30 the charter sought is substantially different in purpose and
31 program from the school the board closes and that the proposed
32 charter satisfies the requirements of this section. The state
33 board shall not approve an application submitted under section
34 256F.5 if the application does not comply with this subsection.

35 Sec. 51. Section 256F.2, subsections 1 and 6, Code 2011,



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1 6. “Operator” means an applicant approved by the state board
2 to charter a school under this chapter.

3 Sec. 52. Section 256F.2, subsection 7, Code 2011, is amended
4 by striking the subsection.

5 Sec. 53. Section 256F.3, Code 2011, is amended by striking
6 the section and inserting in lieu thereof the following:

7 **256F.3 Duties of the department.**

8 The department shall do the following:

9 1. Develop and implement an orientation program for
10 operators. An operator shall successfully complete the
11 orientation program prior to chartering a school pursuant to
12 this chapter. The program shall include but not be limited
13 to accountability requirements, reporting requirements, and
14 financial management. If the operator does not successfully
15 complete the orientation program in the time specified by the
16 department, the state board shall reevaluate the operator’s
17 application and may deny the application. If the state board
18 denies an application under this subsection, the decision of
19 the state board is final agency action under chapter 17A.

20 2. Develop and implement or approve orientation programs
21 for members of the boards of directors of charter schools,
22 including but not limited to orientation on the charter school
23 board’s role and responsibilities, employment policies and
24 practices, and financial management.

25 3. Monitor and evaluate the fiscal, operational, and
26 student performance of the charter school annually and provide
27 a written annual performance evaluation to the charter school
28 board and the state board.

29 4. Provide, every fifth year in which a charter school is
30 in operation and before the state board considers renewing
31 a charter school’s contract, a formal written review of the
32 annual evaluations conducted pursuant to subsection 3.

33 Sec. 54. Section 256F.4, subsections 1, 5, and 7, Code 2011,
34 are amended by striking the subsections.

35 Sec. 55. Section 256F.4, subsections 2, 6, and 8, Code 2011,

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1 are amended to read as follows:

2 2. Although a charter school ~~or innovation zone school~~
3 may elect to comply with one or more provisions of statute or
4 administrative rule, a charter school ~~or innovation zone school~~
5 is exempt from all statutes and administrative rules applicable
6 to a school, a school board, or a school district, except that
7 the charter school ~~or innovation zone school~~ shall meet the
8 requirements of this chapter and shall do all of the following:
9 a. Meet all applicable federal, state, and local health and
10 safety requirements and laws prohibiting discrimination on the
11 basis of race, creed, color, sex, sexual orientation, gender
12 identity, national origin, religion, ancestry, or disability.
13 A charter school ~~or innovation zone school~~ shall be subject to
14 any court-ordered desegregation plan in effect for the school
15 district at the time the charter school ~~or innovation zone~~
16 ~~school~~ application is approved.
17 b. Operate as a nonsectarian, nonreligious public school.
18 c. Be free of tuition and application fees to Iowa resident
19 students between the ages of five and twenty-one years.
20 d. Be subject to and comply with chapters 216 and 216A
21 relating to civil and human rights.
22 e. ~~Provide~~ Make special education programs and services
23 available to students requiring special education in accordance
24 with chapter 256B.
25 f. Be subject to the same financial audits, audit
26 procedures, and audit requirements as a school district. The
27 audit shall be consistent with the requirements of sections
28 11.6, 11.14, 11.19, 256.9, subsection 20, section 256F.8, and
29 section 279.29, except to the extent deviations are necessary
30 because of the program at the charter school. The department,
31 the auditor of state, or the legislative services agency may
32 conduct financial, program, or compliance audits.
33 g. Be ~~subject~~ eligible to and ~~comply with~~ participate in
34 the student achievement and teacher quality program under
35 chapter 284 ~~relating to the student achievement and teacher~~

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1 ~~quality program. A charter school or innovation zone school~~
2 ~~that complies with chapter 284 shall receive state moneys or~~
3 be eligible to receive state moneys calculated as provided in
4 section 257.10, subsections 9 and 10, and section 257.37A ~~as if~~
5 ~~it did not operate under a charter school or innovation zone~~
6 ~~school contract.~~

7 *h.* Be subject to and comply with ~~chapters~~ chapter 20 and
8 ~~279~~ relating to contracts with and discharge of teachers and
9 administrators.

10 *i.* Be subject to and comply with the provisions of chapter
11 285 relating to the transportation of students, except that the
12 provisions of section 285.1, subsections 14, 15, 16, and 17,
13 shall not apply.

14 *j.* ~~Meetings and records of the advisory council are subject~~
15 ~~to the provisions of chapters 21 and 22.~~

16 *j.* Comply with sections 279.9, 280.17A, 280.17B, 280.21B,
17 280.24, and 280.28, and may suspend or expel a student only
18 as provided in section 282.4. A decision made as provided in
19 section 282.4 is subject to appeal under section 290.1.

20 *k.* Comply with all statutes and administrative rules
21 relating to student records, including but not limited to
22 section 22.7, subsection 1, and sections 256H.1, 280.19A,
23 280.25, and 280.29, and shall submit data to the department
24 for purposes of the department's comprehensive management
25 information system.

26 *l.* Comply with the requirements of chapter 283A.

27 *m.* Comply with any statewide accountability requirements in
28 statute or administrative rule governing high school graduation
29 requirements, the core curriculum, core content standards,
30 and assessments. The charter school shall issue high school
31 diplomas to students who successfully meet the graduation
32 requirements of the charter school.

33 6. Notwithstanding subsection 2, a charter school ~~or~~
34 ~~innovation zone school~~ shall meet the requirements of section
35 256.7, subsection 21.



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1 8. A charter school ~~or innovation zone consortium may~~ shall
2 enter into contracts in accordance with chapter 26.

3 Sec. 56. Section 256F.4, subsections 3 and 4, Code 2011,
4 are amended by striking the subsections and inserting in lieu
5 thereof the following:

6 3. The primary focus of a charter school shall be to provide
7 a comprehensive program of instruction for at least one grade
8 or age group from five through twenty-one years of age.

9 4. A charter school is a municipality for the purposes of
10 tort liability under chapter 670.

11 Sec. 57. Section 256F.5, Code Supplement 2011, is amended
12 by striking the section and inserting in lieu thereof the
13 following:

14 **256F.5 Application.**

15 1. An application to operate a charter school pursuant to
16 this chapter shall include but not be limited to the following:

17 a. A business plan that documents the proposed charter
18 school's mission statement; school purposes; program design;
19 description of a graduation plan, where applicable; financial
20 plan; governance and management structure; and background
21 and experience of the applicants and the initial board and
22 instructional staff, plus any other information the state board
23 requests. An applicant shall file a separate application for
24 each school the applicant intends to charter.

25 b. A statement of assurances of legal compliance prescribed
26 by the state board.

27 c. The applicant's ability to implement the procedures
28 and satisfy the criteria for chartering a school under this
29 chapter.

30 d. The measures that will be implemented to provide for
31 oversight of the charter school's academic, financial, and
32 operational performance, and to ensure compliance with the
33 terms of any written contract entered into by the charter
34 school board of directors and the state board.

35 e. A statement of support or nonsupport from the board of



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1 directors of the school district, in which the charter school
2 would be located. The statement shall be submitted to the
3 applicant in a timely manner by the school district board.

4 *f.* A statement demonstrating community support.

5 *g.* A statement of admission policies and procedures.

6 *h.* The types and amounts of insurance liability coverage to
7 be obtained by the charter school.

8 *i.* How special instruction, programs, and services for
9 children requiring special education and English language
10 learners under chapter 256B and section 280.4 will be made
11 available and a description of the financial parameters within
12 which the special instruction, programs, and services will be
13 made available.

14 2. If the applicant includes a school district pursuant
15 to section 256F.2, subsection 1, paragraph "a", "b", "d", "f",
16 "h", "i", or "j", that will, under the plan submitted, convert
17 an existing attendance center operated by the school district
18 into a charter school in accordance with this chapter, the
19 application shall demonstrate the support of at least fifty
20 percent of the teachers employed at the school on the date
21 of the submission of the application and fifty percent of
22 the parents or guardians voting whose children are enrolled
23 at the school, provided that a majority of the parents or
24 guardians eligible to vote participate in the ballot process,
25 according to procedures established by rules of the state
26 board. Conversion of an existing school to a charter school if
27 approved pursuant to this chapter shall occur at the beginning
28 of an academic year.

29 3. *a.* The state board shall approve or disapprove an
30 application within ninety business days of receipt of the
31 application.

32 *b.* If the state board disapproves the application, the state
33 board shall notify the applicant of the specific deficiencies
34 in writing and the applicant shall have twenty business days to
35 address the deficiencies to the state board's satisfaction.

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1 (1) If the applicant addresses the deficiencies within the
 2 time specified, the state board shall at its next regularly
 3 scheduled meeting make a final decision to approve or
 4 disapprove the application.

5 (2) If the applicant fails to address the deficiencies in
 6 the time specified, the state board shall notify the applicant
 7 that the application is denied and the decision of the state
 8 board is final agency action under chapter 17A.

9 c. An applicant whose application is denied pursuant to the
 10 process specified in this subsection shall not submit another
 11 application until the expiration of at least one calendar year
 12 after notification of the denial of application.

13 4. The state board shall establish criteria for application
 14 approval that at a minimum consider the following:

15 a. A comprehensive review of the application.

16 b. The available capacity and infrastructure identified in
 17 the plan.

18 c. Contracting process specified in the plan.

19 d. Ongoing oversight and evaluation processes relating to
 20 administration and staffing.

21 e. Charter school contract and contract renewal criteria and
 22 processes.

23 5. Approval of an application and renewal of a charter by
 24 the state board shall not be conditioned upon the bargaining
 25 unit status of the employees of the school.

26 Sec. 58. Section 256F.6, Code 2011, is amended by striking
 27 the section and inserting in lieu thereof the following:

28 **256F.6 Formation of school — board.**

29 1. An operator who successfully completes the orientation
 30 program required pursuant to section 256F.3, subsection
 31 1, before entering into a contract or other agreement for
 32 professional or other services, goods, or facilities, shall
 33 incorporate as a nonprofit corporation under chapter 504 and
 34 shall establish an initial board of directors composed of at
 35 least five voting members, who are not related parties, until a



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1 timely election for members of the ongoing charter school board
2 of directors is held according to the school's articles and
3 bylaws.

4 2. Members of the charter school board of directors
5 established under the school's articles and bylaws shall
6 be elected before the school completes its third year of
7 operation. The articles and bylaws shall require that the
8 board be composed of not less than five voting members. The
9 articles and bylaws shall include clear policies regarding
10 conflicts of interest, standards of responsibility, and
11 obedience to law, fairness, and honesty.

12 3. Staff members employed at the school and all parents
13 or guardians of children enrolled in the school are the
14 voters eligible to elect the members of the school's board of
15 directors.

16 4. A charter school shall notify eligible voters of the
17 school board election dates at least thirty days before the
18 election. Board elections shall be held during the school year
19 but may not be conducted on days when the school is closed for
20 holidays or vacations.

21 5. a. Any charter school board of directors shall be
22 composed of the following:

23 (1) Notwithstanding section 279.7A, at least one licensed
24 teacher employed at the school.

25 (2) At least one parent or legal guardian of a student
26 enrolled in the charter school who is not an employee of the
27 charter school.

28 (3) At least one interested community member who is not
29 employed by the charter school and does not have a child
30 enrolled in the school.

31 b. The majority of members on the board may be teachers,
32 notwithstanding section 279.7A.

33 c. The chief financial officer and the chief administrator
34 of the charter school, if elected, shall only serve as ex
35 officio, nonvoting board members.



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1 *d.* Charter school employees shall not serve on the board
2 except as provided in this subsection.

3 *e.* Except as provided in section 279.7A, contractors
4 providing facilities, goods, or services to a charter school
5 shall not serve on the board.

6 *f.* Board articles and bylaws shall outline the process
7 and procedures for changing the board's governance model,
8 consistent with chapter 504.

9 6. A charter school board may change the governance model
10 set forth in the application or in the articles and bylaws
11 of the charter school only if the change conforms with this
12 section and a majority of the board approves the change; the
13 licensed teachers employed by the school approve the change;
14 and the state board approves the change.

15 7. *a.* The state board may permit a charter school board
16 to expand the operation of the charter school to additional
17 sites or to add grades at the school beyond those described
18 in the operator's approved application only after submitting
19 a supplemental affidavit for approval to the state board
20 in a form and manner prescribed by the state board. The
21 supplemental affidavit shall include the following:

22 (1) A proposed expansion plan that demonstrates need and
23 projected enrollment.

24 (2) Documentation that the expansion is warranted, at a
25 minimum, by longitudinal data demonstrating students' improved
26 academic performance and growth on student assessments.

27 (3) Documentation that the charter school is financially
28 sound and the financing the charter school needs to implement
29 the proposed expansion exists.

30 (4) Documentation that the charter school has the
31 governance structure and management capacity to carry out the
32 expansion.

33 *b.* The state board shall have sixty business days to review
34 and comment on the supplemental affidavit. The state board
35 shall notify the charter school board of any deficiencies in

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1 the supplemental affidavit and the charter school board shall
2 have twenty business days to address, to the state board's
3 satisfaction, any deficiencies in the supplemental affidavit.
4 The school shall not expand to additional sites or add grades
5 until the state board approves the supplemental affidavit.
6 The state board's approval or disapproval of a supplemental
7 affidavit is final agency action.

8 8. The charter school board of directors is a government or
9 governmental body for purposes of chapters 21 and 22.

10 9. Except as provided in subsection 5, members of the board
11 are subject to section 279.7A.

12 Sec. 59. Section 256F.8, Code 2011, is amended by striking
13 the section and inserting in lieu thereof the following:

14 **256F.8 Audit report.**

15 1. The charter school shall annually submit an audit report
16 to the state board by December 31.

17 2. The charter school, with the assistance of the auditor
18 conducting the audit, shall include with the report a copy
19 of all charter school agreements for corporate management
20 services. If the entity that provides the professional
21 services to the charter school is exempt from taxation under
22 section 501 of the Internal Revenue Code of 1986, that entity
23 must file with the state board by February 15 a copy of the
24 annual return required under section 6033 of the Internal
25 Revenue Code of 1986.

26 3. If the audit report finds that a material weakness
27 exists in the financial reporting systems of a charter school,
28 the charter school shall submit a written report to the state
29 board at its first annual meeting explaining how the material
30 weakness will be resolved. An auditor conducting the audit
31 of the charter school, as a condition of providing financial
32 services to a charter school, shall agree to make available
33 information about a charter school's financial audit to the
34 state board upon request.

35 Sec. 60. Section 256F.9, Code 2011, is amended by striking



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1 the section and inserting in lieu thereof the following:

2 **256F.9 Admission requirements.**

3 1. A charter school may limit admission to the following:

4 a. Students within an age group or grade level.

5 b. Students who are either at risk of dropping out or have
6 dropped out of school.

7 c. Residents of a specific geographic area in which the
8 school is located when the majority of students served by the
9 school are eligible for free and reduced price meals under
10 the federal National School Lunch Act and the federal Child
11 Nutrition Act of 1966, 42 U.S.C. § 1751-1785.

12 2. A charter school shall enroll an eligible student who
13 submits a timely application, unless the number of applications
14 exceeds the capacity of a program, class, grade level, or
15 building. In such case, students shall be accepted by lot.
16 The charter school shall develop and publish a lottery policy
17 and process for use when accepting students by lot.

18 3. A charter school shall give enrollment preference to
19 a sibling of an enrolled student and to a foster child of
20 that student's parents and may give preference for enrolling
21 children of the school's staff before accepting other students
22 by lot.

23 4. A charter school shall not limit admission to students
24 on the basis of intellectual ability, measures of achievement
25 or aptitude, or athletic ability and shall not establish any
26 criteria or requirements for admission that are inconsistent
27 with this section.

28 5. The charter school shall not distribute any services
29 or goods of value to students, parents, or guardians as an
30 inducement, term, or condition of enrolling a student in a
31 charter school.

32 Sec. 61. Section 256F.10, Code 2011, is amended by striking
33 the section and inserting in lieu thereof the following:

34 **256F.10 Employment and other operating matters.**

35 A charter school shall employ or contract with necessary



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1 teachers and administrators, as defined by chapter 256, who
2 hold valid licenses and endorsements to perform the particular
3 service for which they are employed in the school. The school
4 may employ necessary employees who are not required to hold
5 teaching licenses to perform duties other than teaching and may
6 contract for other services.

7 Sec. 62. NEW SECTION. **256F.11 Leased space.**

8 If space to be leased is constructed as a school facility,
9 a charter school may lease such space from a school district
10 or other public organization; private, nonprofit nonsectarian
11 organization; private property owner; or a sectarian
12 organization.

13 Sec. 63. NEW SECTION. **256F.12 Affiliated nonprofit building**
14 **corporation.**

15 1. A charter school may organize an affiliated nonprofit
16 building corporation to renovate or purchase an existing
17 facility to serve as a school or to construct a new school
18 facility as provided in subsection 4 or 5.

19 2. An affiliated nonprofit building corporation shall meet
20 all of the following conditions:

21 a. Be incorporated under chapter 504 and comply with
22 applicable internal revenue service regulations.

23 b. Submit annually to the state board a list of current
24 board members and a copy of the corporation's annual audit.

25 3. An affiliated nonprofit building corporation shall not
26 serve as the leasing agent for property or facilities it does
27 not own. The state is immune from liability resulting from a
28 contract between a charter school and an affiliated nonprofit
29 building corporation.

30 4. A charter school may organize an affiliated nonprofit
31 building corporation to renovate or purchase an existing
32 facility to serve as a school if the charter school meets the
33 following criteria:

34 a. Has been operating for at least five consecutive school
35 years.



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1 *b.* Has had a net positive unreserved general fund balance as
2 of June 30 in the preceding five fiscal years.
3 *c.* Has a long-range strategic and financial plan.
4 *d.* Completes a feasibility study of available buildings.
5 *e.* Documents enrollment projections and the need to use
6 an affiliated nonprofit building corporation to renovate or
7 purchase an existing facility to serve as a school.
8 5. A charter school may organize an affiliated nonprofit
9 building corporation to construct a new school facility if the
10 charter school meets the following conditions:
11 *a.* Lacks facilities available to serve as a school.
12 *b.* Has been operating for at least eight consecutive school
13 years.
14 *c.* Has had a net positive unreserved general fund balance as
15 of June 30 in the preceding eight fiscal years.
16 *d.* Completes a feasibility study of facility options.
17 *e.* Has a long-range strategic and financial plan that
18 includes enrollment projections and demonstrates the need for
19 constructing a new school facility.
20 Sec. 64. NEW SECTION. **256F.13 Collective bargaining.**
21 Employees of the board of directors of a charter school may,
22 if otherwise eligible, organize under chapter 20 and comply
23 with its provisions. The board of directors of a charter
24 school is a public employer, for the purposes of chapter 20,
25 upon formation of one or more bargaining units at the school.
26 Bargaining units at the school shall be separate from any other
27 units within the school district in which the charter school
28 is located, except that bargaining units may remain part of
29 the appropriate bargaining unit of the school district within
30 which the charter school is located if the employees of the
31 charter school, the board of directors of the charter school,
32 the exclusive representative of the appropriate bargaining unit
33 in the school district, and the board of the school district
34 agree to include the employees in the appropriate bargaining
35 unit of the school district.

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1 Sec. 65. NEW SECTION. **256F.14 Teacher retirement.**
2 Teachers in a charter school are public school teachers for
3 the purposes of chapter 97B.

4 Sec. 66. NEW SECTION. **256F.15 Causes for nonrenewal or**
5 **termination of charter school contract.**

6 1. The state board may decline to renew a contract entered
7 into with the board of directors of a charter school at the end
8 of the contract term for any ground listed in subsection 3.
9 The state board may unilaterally terminate a contract during
10 the term of the contract for any ground listed in subsection 3.

11 2. At least sixty business days before not renewing or
12 terminating a contract, the state board shall notify the board
13 of directors of the charter school of the proposed action in
14 writing. The notice shall state the grounds for the proposed
15 action in reasonable detail and that the charter school's
16 board of directors may request in writing a hearing before the
17 state board within fifteen business days of receiving notice
18 of nonrenewal or termination of the contract. Failure by the
19 board of directors to make a written request for a hearing
20 within the time specified shall be treated as acquiescence to
21 the proposed action. Upon receiving a timely written request
22 for a hearing, the state board shall give ten business days'
23 notice to the charter school's board of directors of the
24 hearing date. The state board shall conduct the hearing before
25 taking final action. The state board shall take final action
26 to renew or not renew a contract no later than twenty business
27 days before the proposed date for terminating the contract or
28 the end date of the contract.

29 3. A charter school contract entered into with the state
30 board may be terminated or not renewed by the state board upon
31 any of the following grounds:

32 a. Failure to meet the requirements for student performance
33 contained in the contract.

34 b. Failure to meet generally accepted standards of fiscal
35 management.

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1 1. A charter school board may sue and be sued.

2 2. A charter school board shall not levy taxes or issue
3 bonds.

4 3. A charter school is a municipality for purposes of
5 chapter 670.

6 Sec. 69. NEW SECTION. **256F.18 Funding.**

7 A student enrolled in a charter school shall be counted,
8 for state school foundation aid purposes, in the student's
9 district of residence. A student's residence, for purposes
10 of this section, means a residence under section 282.1. The
11 board of directors of the district of residence shall pay to
12 the charter school the district cost per pupil, the teacher
13 salary supplement district cost per pupil, the professional
14 development supplement district cost per pupil, and the early
15 intervention supplement district cost per pupil under section
16 257.10, plus any moneys received for the student as a result
17 of the non-English speaking weighting under section 280.4,
18 subsection 3, for the previous school year multiplied by the
19 district cost per pupil for the previous year. In addition,
20 the board of directors of the district of residence shall pay
21 to the charter school any other per pupil moneys requested
22 under the charter school application approved by the state
23 board.

24 Sec. 70. NEW SECTION. **256F.19 Prior charter schools and
25 innovation zones.**

26 1. A charter school or innovation zone school established
27 prior to July 1, 2012, shall continue to be governed by chapter
28 256F, Code 2011 and Code Supplement 2011, until the term of the
29 contract entered into pursuant to section 256F.8, Code 2011,
30 ends.

31 2. This section is repealed July 1, 2018.

32 Sec. 71. Section 282.18, subsection 4, paragraph b, Code
33 2011, is amended to read as follows:

34 **b.** For purposes of this section, "*good cause*" means a change
35 in a child's residence due to a change in family residence, a



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1 change in the state in which the family residence is located,
 2 a change in a child's parents' marital status, a guardianship
 3 or custody proceeding, placement in foster care, adoption,
 4 participation in a foreign exchange program, or participation
 5 in a substance abuse or mental health treatment program, a
 6 change in the status of a child's resident district such as
 7 removal of accreditation by the state board, surrender of
 8 accreditation, or permanent closure of a nonpublic school,
 9 ~~revocation~~ nonrenewal or termination of a charter school
 10 contract as provided in section ~~256F.8~~ 256F.15, the failure
 11 of negotiations for a whole grade sharing, reorganization,
 12 dissolution agreement or the rejection of a current whole grade
 13 sharing agreement, or reorganization plan. If the good cause
 14 relates to a change in status of a child's school district of
 15 residence, however, action by a parent or guardian must be
 16 taken to file the notification within forty-five days of the
 17 last board action or within thirty days of the certification of
 18 the election, whichever is applicable to the circumstances.

19 Sec. 72. Section 670.1, subsection 2, Code 2011, is amended
 20 to read as follows:

21 2. "*Municipality*" means city, county, township, school
 22 district, charter school, and any other unit of local
 23 government except soil and water conservation districts as
 24 defined in section 161A.3, subsection 6.

25 Sec. 73. REPEAL. Section 256F.7, Code 2011, is repealed.

DIVISION XIV

THIRD GRADE LITERACY

28 Sec. 74. Section 256.7, Code Supplement 2011, is amended by
 29 adding the following new subsection:

30 NEW SUBSECTION. 31. By July 1, 2013, adopt by rule
 31 guidelines for school district implementation of section
 32 279.68, including but not limited to basic levels of reading
 33 proficiency on approved assessments and identification of tools
 34 that school districts may use in evaluating and reevaluating
 35 any student who may be or who is determined to be deficient in



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1 reading, including but not limited to initial assessments and
 2 subsequent assessments, alternative assessments, and portfolio
 3 reviews. The state board shall adopt standards that provide
 4 a reasonable expectation that a student's progress toward
 5 reading proficiency under section 279.68 is sufficient to
 6 master appropriate grade four level reading skills prior to the
 7 student's promotion to grade four.

8 Sec. 75. Section 256.9, subsection 53, paragraph a, Code
 9 Supplement 2011, is amended to read as follows:

10 a. Develop and distribute, or approve, in collaboration
 11 with the area education agencies, core curriculum technical
 12 assistance and implementation strategies that school districts
 13 and accredited nonpublic schools shall utilize, including but
 14 not limited to the development and delivery of formative and
 15 end-of-course model assessments classroom teachers may use
 16 to measure student progress on the core curriculum adopted
 17 pursuant to section 256.7, subsection 26. The department
 18 shall, in collaboration with the advisory group convened in
 19 accordance with paragraph "b" and educational assessment
 20 providers, identify and make available to school districts
 21 end-of-course and additional model end-of-course and additional
 22 assessments to align with the expectations included in the Iowa
 23 core curriculum. The model assessments shall be suitable to
 24 meet the multiple assessment measures requirement specified in
 25 section 256.7, subsection 21, paragraph "c".

26 Sec. 76. Section 256.9, subsection 53, Code Supplement
 27 2011, is amended by adding the following new paragraphs:

28 NEW PARAGRAPH. c. Identify the scoring levels on approved
 29 grade three reading assessments that require the retention of a
 30 student pursuant to section 279.68, and develop or identify and
 31 approve alternative performance measures for students who are
 32 not proficient in reading in accordance with section 279.68,
 33 subsection 2. Alternative performance measures approved
 34 pursuant to this paragraph shall include but not be limited to
 35 a demonstration of reading mastery evidenced by portfolios of



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1 student work.

2 NEW PARAGRAPH. *d.* Establish, subject to an appropriation
 3 of sufficient funds by the general assembly, an Iowa reading
 4 research center to apply current research on literacy to
 5 provide for the development and dissemination of all of the
 6 following:

- 7 (1) Promising instructional strategies in reading.
- 8 (2) Reading assessments.
- 9 (3) Professional development strategies and materials
 10 aligned with current and emerging best practices for the
 11 teaching of reading.

12 Sec. 77. Section 256D.2A, Code 2011, is amended to read as
 13 follows:

14 **256D.2A Program funding.**

15 For the budget year beginning July 1, 2009, and each
 16 succeeding budget year, a school district shall expend funds
 17 received pursuant to section 257.10, subsection 11, at the
 18 kindergarten through grade three levels to reduce class sizes
 19 to the state goal of seventeen students for every one teacher
 20 and to achieve a higher level of student success in the
 21 basic skills, especially reading; and to establish a reading
 22 enhancement and acceleration development initiative pursuant
 23 to section 279.68, subsection 3, paragraph "f". In order to
 24 support these efforts, school districts shall expend funds
 25 received pursuant to section 257.10, subsection 11, as provided
 26 in section 279.68, subsection 3, paragraph "f", and may expend
 27 funds received pursuant to section 257.10, subsection 11,
 28 at the kindergarten through grade three level on programs,
 29 instructional support, and materials that include but are not
 30 limited to the following: additional licensed instructional
 31 staff; additional support for students, such as before and
 32 after school programs, tutoring, and intensive summer programs;
 33 the acquisition and administration of diagnostic reading
 34 assessments; the implementation of research-based instructional
 35 intervention programs for students needing additional support;



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1 the implementation of all-day, everyday kindergarten programs;
2 and the provision of classroom teachers with intensive training
3 programs to improve reading instruction and professional
4 development in best practices including but not limited to
5 training programs related to instruction to increase students'
6 phonemic awareness, reading abilities, and comprehension
7 skills.

8 Sec. 78. NEW SECTION. 279.68 Student progression and
9 retention — remedial instruction — reporting requirements.

10 1. *Reading deficiency and parental notification.*

11 a. A school district shall provide intensive reading
12 instruction to any student who exhibits a substantial
13 deficiency in reading, based upon locally determined or
14 statewide assessments conducted in kindergarten or grade one,
15 grade two, or grade three, or through teacher observations,
16 immediately following the identification of the reading
17 deficiency. The student's reading proficiency shall be
18 reassessed by locally determined and statewide assessments.
19 The student shall continue to be provided with intensive
20 reading instruction until the reading deficiency is remedied.

21 b. The parent or guardian of any student in kindergarten
22 through grade three who exhibits a substantial deficiency in
23 reading, as described in paragraph "a", shall be notified at
24 least annually in writing of the following:

25 (1) That the child has been identified as having a
26 substantial deficiency in reading.

27 (2) A description of the services currently provided to the
28 child.

29 (3) A description of the proposed supplemental
30 instructional services and supports that the school district
31 will provide to the child that are designed to remediate the
32 identified area of reading deficiency.

33 (4) That if the child's reading deficiency is not remediated
34 by the end of grade three, the child shall be retained unless
35 the child is exempt from mandatory retention for good cause

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1 pursuant to subsection 2, paragraph "b". If the child is
2 ineligible for a good cause exemption, the notification shall
3 state why the child is ineligible.

4 (5) Strategies for parents and guardians to use in helping
5 the child succeed in reading proficiency, including but not
6 limited to the promotion of parent-guided home reading.

7 (6) That the assessment used pursuant to section 256.9,
8 subsection 53, is not the sole determiner of promotion and
9 that additional evaluations, portfolio reviews, performance
10 measures, and assessments are available to the child to assist
11 parents and the school district in knowing when a child is
12 reading at or above grade level and ready for grade promotion.

13 (7) The district's specific criteria and policies for
14 midyear promotion. For purposes of this section, "midyear
15 promotion" means promotion to the next grade level of a retained
16 student at any time during the year of retention once the
17 student has demonstrated the ability to read at grade level.

18 c. If the student's reading deficiency, as identified in
19 paragraph "a", is not remedied by the end of grade three,
20 as demonstrated by scoring on an assessment approved by the
21 department pursuant to section 256.9, subsection 53, the
22 student shall be retained in grade three.

23 2. *Good cause exemption.*

24 a. The school district shall only exempt students from
25 mandatory retention, as provided in subsection 1, paragraph
26 "c", for good cause. Good cause exemptions shall be limited to
27 the following:

28 (1) Limited English proficient students who have had
29 less than two years of instruction in an English as a second
30 language program.

31 (2) Students requiring special education whose
32 individualized education program indicates that participation
33 in the assessment approved pursuant to section 256.9,
34 subsection 53, is not appropriate, consistent with the
35 requirements of rules adopted by the state board of education

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1 for the administration of chapter 256B.

2 (3) Students who demonstrate an acceptable level of
3 performance on an alternative performance measure approved by
4 the director of the department of education pursuant to section
5 256.9, subsection 53.

6 (4) Students who demonstrate mastery through a student
7 portfolio under alternative performance measures approved
8 pursuant to section 256.9, subsection 53.

9 (5) Students who have received intensive remediation
10 in reading for two or more years but still demonstrate a
11 deficiency in reading and who were previously retained in
12 kindergarten, grade one, grade two, or grade three. Intensive
13 reading instruction for students so promoted must include
14 an altered instructional day that includes specialized
15 diagnostic information and specific reading strategies for
16 each student. The school district shall assist attendance
17 centers and teachers to implement reading strategies that
18 research has shown to be successful in improving reading among
19 low-performing readers.

20 *b.* Requests for good cause exemptions from the mandatory
21 retention requirement for students as described in paragraph
22 "a", subparagraphs (3) and (4), shall be made consistent with
23 the following:

24 (1) Documentation shall be submitted from the student's
25 teacher to the school principal that indicates that the
26 promotion of the student is appropriate and is based upon the
27 student's academic record. Such documentation shall include
28 but not be limited to the individualized education program, if
29 applicable, report card, or student portfolio.

30 (2) The school principal shall review and discuss the
31 recommendation submitted pursuant to subparagraph (1) with
32 the teacher and the school principal shall determine whether
33 the student should be promoted or retained. If the principal
34 determines that the student should be retained, the principal
35 shall notify the student's teacher and parent or guardian of

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1 the decision in writing and the student shall be ineligible for
2 the good cause exemption from mandatory retention.

3 (3) If the school principal determines that the
4 student should be promoted, the school principal shall
5 make such recommendation in writing to the district school
6 superintendent. The district school superintendent shall
7 accept or reject the school principal's recommendation and
8 shall notify the school principal and the student's teacher
9 and parent or guardian of the school superintendent's decision
10 in writing. If the school superintendent determines that the
11 student should be retained, the student shall be ineligible for
12 the good cause exemption from mandatory retention. The parent
13 or guardian of the student may appeal the superintendent's
14 decision to the board of directors of the school district.
15 If the superintendent's decision is affirmed by the school
16 board, the decision is final and is not subject to appeal under
17 section 290.1.

18 c. This section does not preclude the parent or guardian of
19 a student with a reading deficiency from requesting that the
20 student be retained at grade level.

21 3. *Successful progression for retained readers.* A school
22 district shall do all of the following:

23 a. Conduct a review, within one week following the last
24 instructional day of the school calendar, of student progress
25 for any student retained under subsection 1, paragraph "c", who
26 did not meet the criteria for one of the good cause exemptions
27 in subsection 2, paragraph "a". The review shall address
28 additional supports and services, as described in subparagraph
29 (2), needed to remediate the identified areas of reading
30 deficiency. The school district shall require a student
31 portfolio to be completed for each such student.

32 b. Provide students who are retained under subsection
33 1, paragraph "c", with intensive instructional services
34 and supports, free of charge, to remediate the identified
35 areas of reading deficiency, including a minimum of a daily



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1 ninety-minute block of scientific-research-based reading
2 instruction and other strategies prescribed by the school
3 district which may include but are not limited to the
4 following:

- 5 (1) Small group instruction.
- 6 (2) Reduced teacher-student ratios.
- 7 (3) More frequent progress monitoring.
- 8 (4) Tutoring or mentoring.
- 9 (5) Transition classes containing students in grades three
10 and four.
- 11 (6) Extended school day, week, or year.
- 12 (7) Summer reading programs.

13 *c.* At regular intervals, apprise the parent or guardian of
14 academic and other progress being made by the student and give
15 the parent or guardian other useful information.

16 *d.* Implement a policy for the midyear promotion of any
17 student retained under subsection 1, paragraph “c”, who can
18 demonstrate that the student is a successful and independent
19 reader, reading at or above grade level, and ready to be
20 promoted to grade four. Tools that school districts may use
21 in reevaluating any student retained may include subsequent
22 assessments, alternative assessments, and portfolio reviews,
23 identified by rule pursuant to section 256.7, subsection 31.
24 Students promoted during the school year after November 1 shall
25 demonstrate proficiency pursuant to guidelines adopted by rule
26 pursuant to section 256.7, subsection 31.

27 *e.* In addition to required reading enhancement and
28 acceleration strategies, provide parents of students who are
29 retained under subsection 1, paragraph “c”, with a plan outlined
30 in a parental contract, including participation in regular
31 parent-guided home reading.

32 *f.* Establish, using funds received pursuant to section
33 257.10, subsection 11, a reading enhancement and acceleration
34 development initiative designed to prevent the retention of
35 grade three students and to offer intensive accelerated reading

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1 instruction to grade three students who fail to meet standards
2 for promotion to grade four and to each kindergarten through
3 grade three student who is assessed as exhibiting a reading
4 deficiency. The initiative shall comply with all of the
5 following criteria:

6 (1) Be provided to all kindergarten through grade three
7 students at risk of retention under this section. The
8 assessment initiative shall measure phonemic awareness,
9 phonics, fluency, vocabulary, and comprehension.

10 (2) Be provided during regular school hours in addition to
11 the regular reading instruction.

12 (3) Provide a reading curriculum that meets guidelines
13 adopted pursuant to section 256.7, subsection 31, and at a
14 minimum has the following specifications:

15 (a) Assists students assessed as exhibiting a reading
16 deficiency in developing the ability to read at grade level.

17 (b) Provides skill development in phonemic awareness,
18 phonics, fluency, vocabulary, and comprehension.

19 (c) Includes a scientifically based and reliable
20 assessment.

21 (d) Provides initial and ongoing analysis of each student's
22 reading progress.

23 (e) Is implemented during regular school hours.

24 (f) Provides a curriculum in core academic subjects to
25 assist the student in maintaining or meeting proficiency levels
26 for the appropriate grade in all academic subjects.

27 *g.* Report to the department of education the specific
28 intensive reading interventions and supports implemented by the
29 school district pursuant to this section. The department shall
30 annually prescribe the components of required or requested
31 reports, including but not limited to a report on the number of
32 students retained under this section.

33 *h.* Provide a student who has been retained in grade three
34 and who has received intensive instructional services but is
35 still not ready for grade promotion, as determined by the

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1 school district, the option of being placed in a transitional
2 instructional setting. Such setting shall specifically be
3 designed to produce learning gains sufficient to meet grade
4 four performance standards while continuing to remediate the
5 areas of reading deficiency.

6 4. Notwithstanding subsection 1, paragraph "b", subparagraph
7 (4), or any other provision of law to the contrary, a school
8 district shall not be required to retain a student in grade
9 three who exhibits a substantial deficiency in reading in
10 accordance with this section until the school year beginning
11 July 1, 2016. This subsection is repealed July 1, 2016.

DIVISION XV

HOME RULE AUTHORITY

14 Sec. 79. NEW SECTION. 274.3 **Exercise of powers —**
15 **construction.**

16 1. The board of directors of a school district shall
17 operate, control, and supervise all public schools located
18 within its district boundaries and may exercise any broad
19 and implied power related to the operation, control, and
20 supervision of those public schools except as expressly
21 prohibited or prescribed by the Constitution of the State of
22 Iowa or by statute.

23 2. Notwithstanding subsection 1, the board of directors of
24 a school district shall not have power to levy any tax unless
25 expressly authorized by the general assembly.

26 3. This section shall not apply to a research and
27 development school as defined in section 256G.2 or to a
28 laboratory school as defined in section 265.1. The board of
29 directors of a school district in which such a research and
30 development school or laboratory school is located shall not
31 exercise over such a school any powers granted to the board by
32 subsection 1.

33 4. This chapter, chapter 257 and chapters 275 through 301,
34 and other statutes relating to the boards of directors of
35 school districts and to school districts shall be liberally



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1 construed to effectuate the purposes of subsection 1.

2 DIVISION XVI

3 ONLINE LEARNING INTERIM STUDY

4 Sec. 80. ONLINE LEARNING — INTERIM STUDY. The legislative
5 council is requested to establish an interim study committee
6 relating to online learning and programming for school
7 districts and related educational issues. The objective of
8 the study shall be to review the appropriate use of online
9 learning by school districts, the appropriate levels and
10 sources of funding for online learning, partnerships between
11 school districts and private providers of online programs, and
12 the potential use of online learning as the exclusive means
13 to provide coursework required under the state’s educational
14 standards. The study shall identify opportunities between
15 interested agencies and entities involved in or potentially
16 involved in online learning activities, including but not
17 limited to K-12 schools, area education agencies, institutions
18 of higher learning, the public broadcasting division of the
19 department of education, the department of education, and the
20 Iowa communications network. The committee is directed to
21 submit its findings and recommendations in a report to the
22 general assembly by December 14, 2012.

23 DIVISION XVII

24 STATE MANDATE

25 Sec. 81. STATE MANDATE FUNDING SPECIFIED. In accordance
26 with section 25B.2, subsection 3, the state cost of requiring
27 compliance with any state mandate included in this Act shall
28 be paid by a school district from state school foundation aid
29 received by the school district under section 257.16. This
30 specification of the payment of the state cost shall be deemed
31 to meet all of the state funding-related requirements of
32 section 25B.2, subsection 3, and no additional state funding
33 shall be necessary for the full implementation of this Act
34 by and enforcement of this Act against all affected school
35 districts.

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1 represent the area education agencies (AEAs); one of whom shall
2 represent the Iowa state education association; and four of
3 whom shall represent the general assembly. The four members
4 of the general assembly shall serve as ex officio, nonvoting
5 members. The department of education shall provide staffing
6 services for the task force.

7 The task force shall submit its plan, findings, models,
8 and recommendations in a final report to the state board of
9 education, the governor, and the general assembly by January
10 15, 2013.

11 This division takes effect upon enactment.

12 DIVISION II — CORE CURRICULUM FRAMEWORK AND CORE CONTENT
13 STANDARDS. The bill establishes the core curriculum advisory
14 council under the department of education. Upon request by
15 the director of the department of education, the council is
16 to make nonbinding recommendations to the director regarding
17 necessary changes to the core curriculum. The council is
18 directed to seek to further the goals of the core curriculum
19 and any objectives established by the director in making
20 recommendations. The council consists of no less than seven
21 members appointed by and serving at the pleasure of the
22 director. The council must be balanced by gender and political
23 party. The council is to meet at least quarterly and at the
24 call of the chair of the council. Members of the council serve
25 without compensation but may be reimbursed for their actual
26 expenses incurred in the performance of their duties.

27 The bill adds the subjects of music and other fine arts,
28 applied arts, foreign languages, physical education, and
29 entrepreneurship education to the skills and knowledge the core
30 curriculum for kindergarten through grade 12 must address.

31 The director must create and disseminate to school
32 districts, charter schools, and accredited nonpublic schools a
33 model curriculum that is directly tied to the goals, outcomes,
34 and assessment strategies identified in the core content
35 standards. The model curriculum shall provide guidance to

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1 school districts and schools and expand on the core content
2 standards. The model curriculum shall be modified as necessary
3 to incorporate the core curriculum framework.

4 DIVISION III — TEACHER AND ADMINISTRATOR PERFORMANCE. The
5 bill directs the state board to adopt new Iowa teaching and
6 administration standards by January 1, 2013, and to implement
7 statewide teacher and administrator evaluation system pilot
8 programs during the 2013-2014 school year; provides for
9 the appointment of a teacher performance, compensation, and
10 career development task force to develop recommendations for
11 a new teacher compensation system; directs the director of
12 the department of education to develop a statewide teacher
13 evaluation system and a statewide administrator evaluation
14 system that school districts, charter schools, and accredited
15 nonpublic schools shall use to standardize the instruments
16 and processes used to evaluate teachers and administrators
17 throughout the state; provides for the creation of a task force
18 to conduct a study regarding a statewide teacher evaluation
19 system and a statewide administrator evaluation system; and
20 requires that public school teachers and administrators be
21 evaluated annually rather than every three years, and that the
22 evaluation of a teacher be conducted by at least one person who
23 holds a valid certification issued for successfully completing
24 an evaluator training program.

25 The bill sets out the minimum components of the statewide
26 teacher evaluation system, including direct observation of
27 classroom teaching behaviors, strong consideration of student
28 outcome measures, integration of the Iowa teaching standards,
29 and system applicability to teachers in all content areas
30 taught by a school. The bill allows charter schools and
31 accredited nonpublic schools to implement an alternative
32 teacher or administrator evaluation system if the department
33 approves the alternative system.

34 The director is tasked with appointing members to, and
35 providing staffing for, the teacher performance, compensation,

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1 and career development task force, including members
2 representing teachers, parents, school administrators, and
3 business and community leaders. The task force is directed to
4 address the duties and responsibilities of apprentice, career,
5 mentor, and master teachers; utilizing retired teachers as
6 mentors; uses and realignment of finite resources; mechanisms
7 to substantially increase the average salary of teachers who
8 assume leadership roles; and standardizing implementation of
9 task force recommendations in all of Iowa's school districts
10 and public charter schools. The task force must submit its
11 findings and recommendations in a report to the state board of
12 education, the governor, and the general assembly by October
13 15, 2012.

14 The statewide educator evaluation system task force
15 must submit its findings, recommendations, and a proposal
16 for a statewide teacher evaluation system and a statewide
17 administrator evaluation system to the state board of education
18 and the general assembly by October 15, 2012. The task force
19 must include a tiered evaluation system differentiating levels
20 of teacher effectiveness in its recommendations and proposal.
21 By November 26, 2012, the department must submit a departmental
22 bill drafting request to the legislative services agency
23 in bill draft format making specific and detailed proposed
24 amendments to the Code necessary to advance the proposed task
25 force recommendations as approved by the state board.

26 The provisions providing for appointment of the task forces
27 take effect upon enactment.

28 The bill makes a repeal of language in the bill relating
29 to the statewide teacher evaluation system and the statewide
30 administrator evaluation system contingent on whether the
31 general assembly takes action during the 2013 regular session
32 to enact legislation advancing recommendations of the statewide
33 educator evaluation system task force.

34 The bill repeals the current Iowa teaching standards on
35 July 1, 2013. The bill also repeals a Code provision that

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1 established a career ladder pilot program to be administered
2 by the department of education from 2007 through 2009. The
3 final report on the pilot program was submitted to the general
4 assembly in March 2010.

5 The bill makes a technical correction to a reference
6 relating to transfer of the duties of certain licensing
7 responsibilities to the state board of education and department
8 of education under division X of this bill.

9 DIVISION IV — INNOVATION ACCELERATION PROGRAM — FUND. The
10 bill establishes an innovation acceleration program in the
11 department of education and creates an innovation acceleration
12 fund in the state treasury under the control of the department.

13 The purpose of the innovation acceleration program is to
14 provide competitive grants to applicants with a record of
15 improving student achievement and educational attainment in
16 order to expand the implementation of, and investment in,
17 innovative practices that are demonstrated to have an impact
18 on improving student achievement or student growth, closing
19 achievement gaps, decreasing dropout rates, increasing parental
20 involvement, increasing attendance rates, increasing high
21 school graduation rates, or increasing college enrollment and
22 completion rates.

23 The program shall be designed to enable grantees to expand
24 and develop innovative practices that can serve as models of
25 best practices, work in partnership with the private sector and
26 the philanthropic community, and identify and document best
27 practices that can be shared and expanded based on demonstrated
28 success.

29 The innovation acceleration fund shall be administered
30 by the director of education and shall consist of moneys
31 appropriated by the general assembly and any other moneys
32 available to and obtained or accepted by the department for the
33 program.

34 DIVISION V — ONLINE LEARNING. The bill provides that the
35 term "telecommunications" for purposes of Code chapter 256

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1 shall include coursework delivered online, as appropriate.
2 Further, resident pupils receiving coursework delivered
3 online shall be counted for school foundation aid purposes as
4 three-tenths of one pupil.
5 Currently the statute provides that telecommunications shall
6 not be used by school districts as the exclusive means to
7 provide any course which is required by the minimum educational
8 standards for accreditation.
9 DIVISION VI — EDUCATIONAL STANDARDS EXEMPTIONS. The bill
10 permits the director of the department of education to grant
11 school districts exemptions from one or more of the educational
12 standards for all grades and all subject areas currently
13 required to be offered, from prekindergarten through grade 12,
14 if the school district meets certain requirements specified for
15 charter schools, including provisions that require a charter
16 school to meet all applicable federal, state, and local health
17 and safety requirements and laws prohibiting discrimination;
18 operate as a nonsectarian, nonreligious public school; be free
19 of tuition and application fees to Iowa resident students
20 between the ages of 5-21 years; be subject to and comply with
21 Code chapters 216 and 216A relating to civil and human rights;
22 provide special education services; be subject to the same
23 financial audits, audit procedures, and audit requirements as
24 a school district; be subject to and comply with provisions
25 relating to the student achievement and teacher quality
26 program; be subject to and comply with state law relating to
27 contracts with and discharge of teachers and administrators;
28 be subject to and comply with state law relating to the
29 transportation of students; comply with state and federal
30 law relating to the suspension or expulsion of a student;
31 comply with all statutes and administrative rules relating to
32 student records; submit data to the department for purposes
33 of the department's comprehensive management information
34 system; comply with administrative rules relating to courses
35 or programs offered online or use of telecommunications

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1 as an instructional tool; and comply with any statewide
2 accountability requirements in statute or administrative
3 rule governing high school graduation requirements, the core
4 curriculum, core content standards, and assessments.

5 Currently, the director may grant school districts and
6 accredited nonpublic schools an exemption from one or more of
7 the educational standards for grades 9 through 12, including
8 but not limited to unit requirements for science, social
9 studies, English-language arts, mathematics, foreign language,
10 vocational service, and health and physical education.

11 The bill requires the director to submit a report by February
12 1, annually, to the state board, the governor, and the general
13 assembly that lists all of the exemptions granted to school
14 districts and accredited nonpublic schools and the reasons for
15 which each exemption was granted.

16 The bill makes a reference to charter school requirements
17 included in division XV of the bill.

18 DIVISION VII — EDUCATION JOB OPENINGS POSTING. The
19 director of the department is directed to maintain, on the
20 department's internet site, education job openings which shall
21 be submitted by school districts, area education agencies,
22 charter schools, and accredited nonpublic schools for posting.

23 DIVISION VIII — CLASS SHARING AGREEMENTS. The bill
24 expands eligibility for the supplementary weighting plan for
25 district-to-community college sharing and concurrent enrollment
26 programs to allow a school district that collaborates with
27 a community college for a college-level class that uses an
28 activities-based, project-based, and problem-based learning
29 approach and that is offered through a partnership with a
30 nationally recognized provider of rigorous and innovative
31 science, technology, engineering, and mathematics curriculum
32 for schools, which provider is exempt from taxation under
33 section 501(c)(3) of the Internal Revenue Code, to qualify
34 to receive additional weighting for students enrolled in the
35 class.



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1 The bill amends language establishing the
2 district-to-community college sharing program or concurrent
3 enrollment program under the senior year plus program to exempt
4 from the program's proficiency requirements students who are
5 enrolled in a school district and in a career and technical
6 course at a community college. However, a community college
7 may require a student who applies for enrollment under the
8 program to complete an initial assessment administered by
9 the community college receiving the application to determine
10 the applicant's readiness to enroll in career and technical
11 coursework, and the community college may deny the enrollment.

12 DIVISION IX — SCHOOL INSTRUCTIONAL TIME TASK FORCE. The
13 bill charges the director of the department of education with
14 appointing a school instructional time task force to conduct a
15 study regarding the minimum requirements of the school day and
16 the school year.

17 The school instructional time task force shall be comprised
18 of at least seven members who shall, at a minimum, examine
19 whether the minimum length of an instructional day should
20 be extended and if so for whom, whether the minimum number
21 of instructional days or hours in a school year should be
22 increased and if so for whom, whether the minimum number of
23 instructional days or hours should be rearranged for purposes
24 of summer or other breaks in the school year, whether the
25 minimum school year should be defined by a number of days or
26 by a number of instructional hours, whether there should be a
27 uniform, statewide start date for the school year, and whether
28 resources necessary to extend the minimum instructional day
29 or the minimum school year are justified when compared to
30 competing education priorities. The task force shall submit
31 its findings and recommendations in a report to the state board
32 of education, the governor, and the general assembly by October
33 15, 2012.

34 DIVISION X — ASSESSMENTS. The bill relates to assessments
35 for children prekindergarten through grade 11 and requires

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1 the department of education to establish and implement a
2 value-added assessment system.

3 The bill replaces, in language directing the state board
4 of education to adopt rules requiring that school districts
5 and accredited nonpublic schools submit a comprehensive
6 school improvement plan and report to the department and local
7 communities, references to local education standards and
8 achievement progress with references to statewide standards
9 and assessment measures and eliminates reporting requirements
10 related to locally established student learning goals.

11 Further, the rules adopted by the state board incorporating
12 accountability for, and reporting of, student achievement
13 into the standards and accreditation process must provide,
14 by July 1, 2014, for the establishment by the department of
15 an accountability system designed to hold school districts
16 and accredited nonpublic schools accountable for student
17 achievement. The accountability system must, at a minimum,
18 define and measure student achievement, student growth,
19 student achievement gaps, college and career readiness,
20 student well-being, parent satisfaction, school staff working
21 conditions, school fiscal responsibility, and graduation and
22 attendance rates.

23 The state board must also adopt, by July 1, 2014, a policy
24 for how school districts shall incorporate end-of-course
25 assessments into their graduation requirements. The director
26 of the department must, by July 1, 2014, develop high school
27 end-of-course assessments for core content standards subject
28 areas, which the school districts must administer as an
29 integral component of such courses.

30 In addition, the director may at the director's discretion,
31 or shall as directed by the state board, convene a working
32 group to develop recommendations for the accountability
33 system or redesign of accreditation procedures; a compliance
34 monitoring process aligned with the accountability system;
35 targeting support for school districts identified as



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1 needing assistance; identifying, studying, and commending
2 high-performing districts; and developing takeover strategies
3 for school districts deemed persistently failing to meet
4 educational system or student achievement standards.

5 The rules the state board adopts establishing high school
6 graduation requirements shall also require administration of
7 college entrance examinations and career readiness assessments.
8 The bill requires school districts and accredited nonpublic
9 schools to offer to each student enrolled in grade 11 their
10 choice of taking either the college entrance examination
11 to assess English, reading, mathematics, and science or a
12 career readiness assessment to assess reading for information,
13 locating information, and applied mathematics.

14 The cost of the examinations and assessments shall be paid by
15 the department of education; and the costs of any additional
16 college entrance examinations taken by a student shall be the
17 responsibility of the student. If funds are available to
18 the department for such purpose, the department shall make a
19 preparation program available to all students in grade 11, and
20 may contract for the necessary assessment services.

21 A student whose scores on the college entrance examination
22 indicate a high degree of college readiness shall be counseled
23 by the school district or school to enroll in accelerated
24 courses, with an emphasis on advanced placement classes. A
25 student whose scores on the career readiness assessments
26 indicate that additional assistance is required in reading
27 for information, locating information, or applied mathematics
28 shall be provided intervention strategies for accelerated
29 learning by the school district or school. The bill provides
30 for accommodations for students with disabilities and students
31 requiring special education under Code chapter 256B. The
32 bill requires a student's scores on the college entrance
33 examinations to be recorded by the school district or school in
34 the student's official education record.

35 The bill eliminates from the core content requirements

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1 language relating to locally developed content standards.
2 The bill requires the department of education to establish
3 and implement a value-added assessment system not later than
4 January 31, 2013, to provide for multivariate longitudinal
5 analysis of annual student test scores to determine the
6 influence of a school district's educational program on student
7 academic growth and to guide school district improvement
8 efforts. The department of education is directed to select a
9 value-added assessment system provider, based on criteria set
10 forth in the bill, through a request for proposals process.
11 School districts are required to use the system not later than
12 the 2013-2014 school year, but may request from the district's
13 area education agency authorization to use an alternative
14 system.

15 The bill defines "value-added assessment" to mean a method
16 of measuring gains in student achievement by conducting a
17 statistical analysis of achievement data that reveals academic
18 growth over time for students and groups of students, such as
19 those in a grade level or in a school.

20 The system provider must create a mechanism to collect and
21 evaluate data in a manner that reliably aligns the performance
22 of the teacher with the achievement levels and progress
23 of the teacher's students. School districts must report
24 teacher-to-student alignment data to the system provider as
25 directed by the department.

26 The system provider must provide analysis to each school
27 district and the department of education, and must also chart
28 data, using criteria set forth in the bill, for each school
29 district.

30 A school district must have complete access to and full
31 utilization of its own value-added assessment reports and
32 charts. Where student outcomes measures are available,
33 for tested subjects and grades, student outcomes measures
34 may be considered by the district to validate observational
35 evaluations. Such measures which are a component of a

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1 teacher's evaluation are not a public record.

2 School districts shall use the student academic growth
3 data for defining student and district learning goals and
4 professional development related to student learning goals
5 across the school district.

6 The department shall use the data to determine school
7 improvement and technical assistance needs of school districts
8 and to identify school districts achieving exceptional gains.

9 The department is directed to submit an annual progress report
10 regarding the use of student academic growth information in the
11 school improvement processes to the house and senate education
12 committees and must publish the progress report on its internet
13 site.

14 The bill also requires each school district to administer a
15 kindergarten readiness assessment prescribed by the department
16 to every resident prekindergarten or four-year-old child whose
17 parent or guardian enrolls the child in the district. The
18 school districts must also administer the Iowa assessments to
19 grade 10 students in the 2012-13 and 2013-14 school years.

20 DIVISION XI — NATIONAL BOARD FOR PROFESSIONAL TEACHING
21 STANDARDS AWARDS. The bill eliminates the end dates for
22 the national board for professional teaching standards
23 certification one-time reimbursement awards and the annual
24 awards. The term of eligibility for the annual award is 10
25 years or for the years in which the individual maintains a
26 valid certificate, whichever time period is shorter.

27 DIVISION XII — EDUCATOR EMPLOYMENT AND PROFESSIONAL
28 DEVELOPMENT MATTERS. The bill relates to teacher performance,
29 compensation, and career development, professional development
30 for practitioners and state funds for professional development,
31 and to probationary periods and due process for teachers and
32 administrators.

33 PROFESSIONAL DEVELOPMENT AND TEACHER EVALUATION. The state
34 board of education is directed to adopt rules providing for
35 the establishment of a statewide plan for the professional

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1 development of practitioners employed in Iowa's school
2 districts. The statewide plan shall be implemented by the area
3 education agencies (AEAs), each of which must submit annually
4 to the department of education a plan for a professional
5 development program for the following fiscal year. The program
6 developed by the AEA must combine the professional development
7 priorities of the state board with the professional development
8 needs of the schools and school districts in the area. The
9 director of the department must approve, amend and approve, or
10 reject each AEA plan.

11 The department is tasked with implementing the statewide
12 plan for professional development established by the state
13 board. A school district may, upon request, receive services
14 under the area professional development plan approved by the
15 director.

16 The department of management is directed to annually reduce
17 the distributions from the amounts generated by the total
18 professional development supplement district cost and the total
19 area education agency professional development supplement
20 district cost to each school district and AEA by 10 percent.
21 The school district spending authority is also reduced by 10
22 percent. An amount equivalent to the amount of the reduction
23 is appropriated to the department for purposes of implementing
24 the statewide plan for the professional development of
25 practitioners.

26 REDUCTION IN FORCE. The bill authorizes school boards,
27 which by a majority vote institute a reduction in force, to
28 not renew a teacher's contract based on teacher evaluations,
29 licensure and endorsements, the needs of the schools and
30 students, and, under certain circumstances, hiring dates.

31 The director is authorized to waive requirements relating
32 to the development and review of an individual teacher
33 professional development plan for a school district that
34 utilizes a peer review teacher evaluation system in which
35 consulting teachers, in conjunction with school administrators,

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1 make formal evaluations of the school district's teachers,
2 including but not limited to each teacher's professional growth
3 and employment status.

4 DIVISION XIII — CHARTER SCHOOL CHANGES. The bill rewrites
5 the majority of Iowa's charter school legislation. The purpose
6 of the charter school legislation remains the same, as do most
7 of the general operating requirements, but the bill eliminates
8 references to innovation zone schools and broadens the list of
9 entities eligible to submit applications to establish charter
10 schools. However, the bill provides that a charter school
11 or innovation zone school established prior to July 1, 2012,
12 shall continue to be governed by chapter 256F, Code and Code
13 Supplement 2011, until the term of the contract entered into
14 pursuant to section 256F.6, Code 2011, ends.

15 ELIGIBLE ENTITIES. Eligible entities under the bill
16 include the following: school districts, area education
17 agencies, community colleges, regents universities, nonprofit
18 private postsecondary institutions, cities and counties
19 with populations of more than 95,000, and nonsectarian,
20 nonreligious, tax-exempt charitable organizations; or
21 consortiums of some of the eligible entities.

22 CONVERSION OF AN EXISTING SCHOOL. The bill continues to
23 provide that the conversion of an existing school district
24 attendance center must be supported by at least 50 percent
25 of the school's teachers and 50 percent of the parents whose
26 children attend the school.

27 The bill states that the legislation shall not be construed
28 as a means to keep open a school that a school board decides
29 to close, but a school board may endorse or authorize the
30 establishing of a charter school to replace the school the
31 board decides to close. Applicants seeking a charter under
32 this circumstance must demonstrate and document that the
33 charter sought is substantially different in purpose and
34 program from the school the board closes.

35 DUTIES OF THE DEPARTMENT. The department of education

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1 is tasked with developing and implementing an orientation
2 program for operators that covers accountability requirements,
3 reporting requirements, and finance. An operator is an entity
4 whose application to charter a school has been approved by
5 the state board. An operator must successfully complete the
6 orientation program prior to chartering a school. If the
7 operator does not successfully complete the orientation program
8 in the time specified by the department, the state board
9 shall reevaluate the operator's application and may deny the
10 application.

11 The department must also develop and implement or approve
12 orientation programs for members of the boards of directors
13 of charter schools, including but not limited to orientation
14 on the charter school board's role and responsibilities,
15 employment policies and practices, and financial management.
16 Board members must attend ongoing orientation throughout the
17 member's term.

18 The department shall monitor and evaluate the fiscal,
19 operational, and student performance of the charter school
20 annually. Every fifth year in which a charter school is in
21 operation, and before the state board considers renewing a
22 charter school's contract, the department must provide to the
23 state board and to the charter school board a formal written
24 review of the annual evaluations conducted.

25 OPERATING REQUIREMENTS. New operating requirements
26 include those requiring that charter schools comply with
27 statutes relating to the suspension or expulsion of a student,
28 procedures for handling child abuse, procedures for reporting
29 weapons and drug or alcohol possession or use, and harassment
30 and bullying prohibitions and requirements; comply with
31 statutes and rules relating to student records and school
32 meal programs; submit data for purposes of the department's
33 comprehensive management information system; and comply with
34 statewide accountability requirements governing high school
35 graduation requirements, the core curriculum, core content



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1 standards, and assessments. Suspension or expulsion decisions
2 may be appealed to the state board of education. However,
3 under the bill a charter school no longer must be subject to or
4 comply with Code chapter 279, relating to teacher contracts and
5 discharge of teachers or administrators; or meet the 180-day
6 school year requirement or its equivalent in hours; or provide
7 school bus transportation to nonpublic school and nonresident
8 students.

9 PRIMARY FOCUS. The primary focus of a charter school shall
10 be to provide a comprehensive program of instruction for at
11 least one grade or age group from 5-21 years of age.

12 CHARTER SCHOOL APPLICATION. An application to operate a
13 charter school must include a business plan that documents the
14 proposed charter school's mission statement, school purposes,
15 program design, graduation plan, financial plan, governance
16 and management structure, and background and experience of
17 the applicants and the initial board and instructional staff,
18 plus any other information the state board requests; provide
19 a statement of assurances of legal compliance prescribed by
20 the state board; provide a statement of support or nonsupport
21 from the school district in which the charter school would be
22 located, a statement of community support, and how special
23 education and English as a second language programs will be
24 made available and financed; demonstrate the applicant's
25 ability to implement the procedures and satisfy the criteria
26 for chartering a school; and describe the measures that will be
27 implemented to provide for oversight of the charter school's
28 academic, financial, and operational performance, and ensure
29 compliance with the terms of any written contract entered into
30 by the charter school board and the state board. An applicant
31 must file a separate application for each school the applicant
32 intends to charter.

33 The bill sets forth provisions specifying timelines
34 and requirements for the approval or disapproval of an
35 application. Only the state board is authorized to approve

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1 an application. The state board is directed to establish
2 criteria for application approval that at a minimum considers
3 the available capacity and infrastructure identified in the
4 plan, the contracting process specified in the plan, ongoing
5 oversight and evaluation processes relating to administration
6 and staffing, and charter school contract and contract renewal
7 criteria and processes.

8 The approval of an application and renewal of a charter by
9 the state board shall not be conditioned upon the bargaining
10 unit status of the employees of the school. Employees of
11 the board of directors of a charter school may, if otherwise
12 eligible, organize under Code chapter 20 and comply with its
13 provisions. The board of directors of a charter school is
14 a public employer, for the purposes of Code chapter 20, upon
15 formation of one or more bargaining units at the school.

16 OPERATOR OF CHARTER SCHOOL. An operator who successfully
17 completes the department's orientation program shall, before
18 entering into a contract or other agreement for professional
19 or other services, goods, or facilities, incorporate as a
20 nonprofit corporation and shall establish an initial board of
21 directors composed of at least five voting members, who are not
22 related parties, until a timely election for members of the
23 ongoing charter school board of directors is held according to
24 the school's articles and bylaws.

25 CHARTER SCHOOL BOARD. Ongoing board members must be elected
26 before the school completes its third year of operation. The
27 articles and bylaws shall include clear policies regarding
28 conflicts of interests and standards of responsibility. Staff
29 members employed at the school and all parents or guardians
30 of children enrolled in the school are the voters eligible to
31 elect charter school board members.

32 The charter school board of directors shall be composed
33 of at least one licensed teacher employed at the school, at
34 least one parent or legal guardian of a student enrolled in
35 the charter school who is not an employee of the charter

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1 school, and at least one interested community member who is
2 not employed by the charter school and does not have a child
3 enrolled in the school. The majority of board members may be
4 teachers. Contractors providing facilities, goods, or services
5 to a charter school shall not serve on the charter school board
6 except that contracts involving no more than \$2,500 do not
7 exclude a contractor from board membership.

8 EXPANSION TO ADDITIONAL SITES OR GRADES. The state board
9 may permit the charter school board to expand the operation of
10 the charter school to additional sites or to add additional
11 grades at the school beyond those described in the operator's
12 approved application only after submitting to the state board a
13 supplemental affidavit that includes a proposed expansion plan
14 that demonstrates need and projected enrollment; documentation
15 that the expansion is warranted, at a minimum, by longitudinal
16 data demonstrating students' improved academic performance and
17 growth on student assessments; documentation that the charter
18 school is financially sound and the financing it needs to
19 implement the proposed expansion exists; and documentation that
20 the charter school has the governance structure and management
21 capacity to carry out its expansion.

22 OPEN MEETINGS AND RECORDS. The charter school board is a
23 government or governmental body for purposes of Iowa's open
24 meetings and records laws.

25 AUDIT REQUIREMENTS. As under current law, the charter
26 school must comply with the same statutory audit requirements
27 as a school district. In addition, the charter school must
28 annually submit an audit report to the state board by December
29 31 and include a copy of all charter school agreements for
30 corporate management services. If the audit report finds
31 that a material weakness exists in the school's financial
32 reporting systems, the school shall submit a written report to
33 the state board explaining how the material weakness will be
34 resolved, and the school's auditor must agree to make available
35 information about the audit to the state board upon request.



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1 FUNDING. A student enrolled in a charter school shall
2 be counted, for state school foundation aid purposes, in the
3 pupil's district of residence. The district of residence shall
4 pay to the charter school the state cost per pupil for the
5 previous school year and the combined district cost per pupil,
6 the teacher salary supplement, the professional development
7 supplement, and the early intervention supplement, plus any
8 moneys received for the student as a result of the non-English
9 speaking weighting for the previous school year multiplied
10 by the state cost per pupil for the previous year. Other
11 per pupil moneys may also be payable to a charter school in
12 accordance with the charter school's approved application.

13 ADMISSION REQUIREMENTS. A charter school may limit
14 admission to the following: students within an age group or
15 grade level, students who are either at risk of dropping out or
16 have dropped out, and residents of a specific geographic area
17 in which the school is located when the majority of students
18 served by the school are eligible for free and reduced price
19 meals under federal guidelines. A charter school shall enroll
20 an eligible student who submits a timely application, unless
21 the number of applications exceeds the capacity of a program,
22 class, grade level, or building. In such case, students shall
23 be accepted by lot. A charter school shall give enrollment
24 preference to a sibling of an enrolled student and to a foster
25 child of that student's parents and may give preference for
26 enrolling children of the school's staff before accepting other
27 students by lot. A charter school shall not limit admission
28 to students on the basis of intellectual ability, measures
29 of achievement or aptitude, or athletic ability and may not
30 establish any criteria or requirements for admission that are
31 inconsistent with this Code section. The charter school shall
32 not distribute any services or goods of value to students,
33 parents, or guardians as an inducement, term, or condition of
34 enrolling a student in a charter school.

35 STAFFING REQUIREMENTS AND QUALIFICATIONS. A charter school

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1 shall employ or contract with necessary licensed teachers
2 who hold endorsements to perform the particular service for
3 which they are employed in the school. The school may employ
4 necessary employees who are not required to hold teaching
5 licenses to perform duties other than teaching and may contract
6 for other services.

7 LEASE OF SPACE AND FACILITY CONSTRUCTION. A charter
8 school may lease space from a school district or other public
9 organization; a private, nonprofit nonsectarian organization;
10 a private property owner; or a sectarian organization if the
11 leased space is constructed as a school facility.

12 A charter school may organize an affiliated nonprofit
13 building corporation to renovate or purchase an existing
14 facility to serve as a school or to construct a new school
15 facility. The bill sets forth requirements for such a
16 corporation.

17 RETIREMENT SYSTEMS. Teachers in a charter school are public
18 school teachers and charter schools are employers for the
19 purposes of Iowa public employees' retirement system.

20 CONTRACT RENEWAL OR NONRENEWAL. The state board may or
21 may not renew a charter school contract at the end of the
22 contract term, and may unilaterally terminate a contract during
23 the term of the contract, for any of the following grounds:
24 failure to meet the requirements for student performance
25 contained in the contract, failure to meet generally accepted
26 standards of fiscal management, violations of law, and other
27 good cause shown, including but not limited to the existence
28 of one or more other grounds for revocation as specified in
29 the contract. The bill specifies the procedures for not
30 renewing or terminating a contract. The state board, after
31 providing reasonable notice to the charter school board, and
32 after providing an opportunity for a public hearing, may
33 terminate the existing contract with the charter school board
34 if the charter school has a history of failure to meet student
35 performance requirements consistent with state law, financial

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1 mismanagement or failure to meet generally accepted standards
2 of fiscal management, or violations of the law.

3 If a contract is not renewed or is terminated, a student
4 who attended the charter school may enroll in the district of
5 residence or may submit an open enrollment application to a
6 nonresident district. The charter school shall transfer the
7 student's educational records to the student's new school of
8 enrollment.

9 LEGAL AUTHORITY. The board of directors of a charter school
10 may sue and be sued, the charter school shall not levy taxes
11 or issue bonds, and a charter school is a municipality for
12 purposes of tort liability of governmental subdivisions.

13 DIVISION XIV — THIRD GRADE LITERACY. The bill provides for
14 early grade student assessments for reading deficiencies and
15 parental notification of reading deficiencies, and retention
16 for such deficiencies at grade three for students who do not
17 demonstrate an acceptable level of performance on reading
18 standardized or alternative assessments. However, school
19 districts are not required to retain students until the school
20 year beginning July 1, 2016.

21 The bill requires the state board of education to adopt
22 guidelines by July 1, 2013, for implementation of the new
23 Code provision established by the bill relating to student
24 progression, retention, and remedial instruction, including
25 but not limited to basic levels of reading proficiency
26 on approved assessments and identification of tools that
27 school districts may use in evaluating and reevaluating any
28 student who may be or who is determined to be deficient in
29 reading, including but not limited to initial assessments and
30 subsequent assessments, alternative assessments, and portfolio
31 reviews. The state board must adopt standards that provide a
32 reasonable expectation that a student's progress toward reading
33 proficiency is sufficient to master appropriate grade four
34 level reading skills prior to the student's promotion to grade
35 four.



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1 The director of the department of education is required to
2 identify the scoring levels on approved grade three reading
3 assessments that will trigger the retention of a student; to
4 develop or identify and approve alternative but equivalent
5 qualifying performance measures for students who are not
6 proficient in reading, such as a demonstration of reading
7 mastery evidenced by portfolios of student work; and to
8 establish, subject to an appropriation of state funds, an Iowa
9 reading research center for the application of current research
10 on literacy.

11 School districts must provide intensive reading instruction
12 to students who exhibit a substantial deficiency in reading,
13 based upon locally determined or statewide assessments
14 conducted in kindergarten or grade one, grade two, or grade
15 three, or through teacher observations. The student's reading
16 proficiency shall be reassessed following the intensive reading
17 instruction. The student shall continue to be provided with
18 intensive reading instruction until the reading deficiency is
19 remedied.

20 School districts must notify at least annually, in writing,
21 the parent or guardian of a student who exhibits a substantial
22 deficiency in reading, the district's determination that
23 the child is deficient in reading, descriptions of the
24 services currently provided to the child and of the proposed
25 supplemental instructional services and supports that the
26 school district will provide to the child to remediate the
27 deficiency; that if the child's reading deficiency is not
28 remediated by the end of grade three, the child will be
29 retained unless exempt from mandatory retention for good cause;
30 strategies for parents and guardians to use in helping the
31 child succeed in reading proficiency; that the assessment
32 is not the sole determiner of promotion and that additional
33 evaluations, portfolio reviews, performance measures, and
34 assessments are available to assist parents and the school
35 district in knowing when a child is reading at or above grade

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1 level and ready for promotion; and the district's specific
2 criteria and policies for midyear promotion. "Midyear
3 promotion", under the bill, means promotion of a retained
4 student to the next grade level at any time during the year of
5 retention once the student has demonstrated ability to read at
6 grade level.

7 The bill does not preclude the parent or guardian of a
8 student with a reading deficiency from requesting that the
9 student be retained at grade level.

10 If a student's reading deficiency is not remedied by the
11 end of grade three, the student shall be retained in grade
12 three. The school district can exempt students from mandatory
13 retention for good cause, which under the bill includes
14 limited English proficient students; students requiring special
15 education; students who demonstrate an acceptable level of
16 performance on an approved alternative performance measure;
17 students who demonstrate mastery through a student portfolio;
18 and students who have received intensive remediation in reading
19 for two or more years.

20 Intensive reading instruction for students promoted under
21 good cause must include an altered instructional day that
22 includes specialized diagnostic information and specific
23 reading strategies for each student, and the school district
24 must assist attendance centers and teachers to implement
25 reading strategies.

26 If a student demonstrates acceptable performance through
27 an alternative assessment or student portfolio, the student's
28 teacher must document the teacher's recommendation for
29 promotion to the school principal, and if the principal agrees,
30 the principal must make a recommendation to the district
31 superintendent. A parent or guardian may appeal the decision
32 of the superintendent to the school board, but the school
33 board's decision is final.

34 Each school district shall conduct a review of student
35 progress for any student retained who did not meet the

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1 criteria for a good cause exemption. The review shall address
2 additional supports and services needed to remediate the
3 identified areas of reading deficiency. The school district
4 shall require a student portfolio to be completed for each such
5 student.

6 The intensive supports that a school district must provide
7 free of charge include a minimum of a 90-minute block of
8 scientific-research-based reading instruction and other
9 strategies which may include but are not limited to small group
10 instruction; reduced teacher-student ratios; more frequent
11 progress monitoring; tutoring or mentoring; transition classes
12 containing students in grades three and four; extended school
13 day, week, or year; and summer reading programs.

14 At regular intervals, the school district shall provide
15 a report to the parent or guardian apprising the parent or
16 guardian of academic and other progress being made by the
17 student and giving other useful information.

18 The school district shall implement a policy for the midyear
19 promotion of a student who can demonstrate that the student is
20 a successful and independent reader, reading at or above grade
21 level, and ready to be promoted to grade four.

22 In addition to required reading enhancement and acceleration
23 strategies, school districts must provide parents and guardians
24 of retained students with instructional options such as a plan
25 outlined in a parental contract, including participation in
26 regular parent-guided home reading.

27 School districts, using early intervention moneys received
28 from the state, must also establish a reading enhancement
29 and acceleration development initiative designed to prevent
30 the retention of grade three students and to offer intensive
31 accelerated reading instruction to grade three students
32 who fail to meet standards for promotion to grade four and
33 to each kindergarten through grade three student who is
34 assessed as exhibiting a reading deficiency. The bill amends
35 Code section 256D.2A to authorize use of the state early

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1 intervention moneys on such initiatives. The initiative shall
2 be provided to all kindergarten through grade three students
3 at risk of retention, and shall measure phonemic awareness,
4 phonics, fluency, vocabulary, and comprehension; be provided
5 during regular school hours in addition to regular reading
6 instruction; and provide a reading curriculum that meets the
7 state board's guidelines and, at a minimum, assists students
8 in developing the ability to read at grade level; provides
9 skill development in phonemic awareness, phonics, fluency,
10 vocabulary, and comprehension; includes scientifically based
11 and reliable assessment; and provides initial and ongoing
12 analysis of each student's reading progress; is implemented
13 during regular school hours; and provides a curriculum in core
14 academic subjects to assist the student in maintaining or
15 meeting proficiency levels for the appropriate grade in all
16 academic subjects.

17 Each school district shall report to the department
18 the specific intensive reading interventions and supports
19 implemented by the school district, and shall report on the
20 number of students retained under the provisions of the bill.

21 Finally, each school district shall provide a retained
22 student who has received intensive instructional services but
23 is still not ready for grade promotion the option of being
24 placed in a transitional instructional setting specifically
25 designed to produce learning gains sufficient to meet grade
26 four performance standards while continuing to remediate the
27 areas of reading deficiency.

28 DIVISION XV — HOME RULE AUTHORITY. The bill relates
29 to the power and authority of school districts by amending
30 Code chapter 274 to grant school districts "home rule" power
31 and authority. The board of directors of a school district
32 shall operate, control, and supervise all public schools
33 located within its district boundaries and may exercise any
34 broad and implied power related to the operation, control,
35 and supervision of those public schools except as expressly

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1 prohibited or prescribed by the Constitution of the State of
2 Iowa or by statute. However, school boards shall not have
3 power to levy any tax unless expressly authorized by the
4 general assembly. The new powers and authority shall not apply
5 to a research and development school or to a laboratory school.
6 Code chapters 257, 274 through 301, and other statutes relating
7 to school boards and to school districts shall be liberally
8 construed to effectuate the purposes specified.

9 DIVISION XVI — ONLINE LEARNING INTERIM STUDY. The bill
10 requests the legislative council to establish an interim study
11 committee relating to online learning and programming for
12 school districts and related educational issues. The objective
13 of the study shall be to review the appropriate use of online
14 learning by school districts, the appropriate levels and
15 sources of funding for online learning, partnerships between
16 school districts and private providers of online programs, and
17 the potential use of online learning as the exclusive means
18 to provide coursework required under the state's educational
19 standards. The study shall identify opportunities between
20 interested agencies and entities involved in or potentially
21 involved in online learning activities, including but
22 not limited to K-12 schools, AEAs, institutions of higher
23 learning, the public broadcasting division of the department
24 of education, the department of education, and the Iowa
25 communications network. The committee is directed to submit
26 its findings and recommendations in a report to the general
27 assembly by December 14, 2012.

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

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Senate File 2169

S-5022

1 Amend Senate File 2169 as follows:

2 1. Page 13, after line 27 by inserting:

3 <DIVISION V
4 TRAFFIC ENFORCEMENT

5 Sec. ____ . Section 321.1, Code Supplement 2011, is
6 amended by adding the following new subsection:

7 NEW SUBSECTION. 95. *Automated traffic law*
8 *enforcement system* means a device with one or more
9 sensors working in conjunction with one of the
10 following:

11 a. An official traffic-control signal, to produce
12 recorded images of motor vehicles entering an
13 intersection against a steady circular red light.

14 b. A speed measuring device, to produce recorded
15 images of motor vehicles traveling at a prohibited rate
16 of speed.

17 c. A railroad grade crossing signal light, as
18 described in section 321.342, to produce images of
19 vehicles violating the signal light.

20 d. Any official traffic-control device, if failure
21 to comply with the official traffic-control device
22 constitutes a violation under this chapter.

23 Sec. ____ . NEW SECTION. 321.5A **Automated traffic**
24 **law enforcement systems prohibited.**

25 The department or a local authority shall not place
26 or cause to be placed on or adjacent to a highway, or
27 maintain or employ the use of, an automated traffic law
28 enforcement system for the enforcement of any provision
29 of this chapter or any local ordinance relating to
30 motor vehicles.

31 Sec. ____ . REMOVAL OF AUTOMATED TRAFFIC LAW
32 ENFORCEMENT SYSTEMS — VALIDITY OF PRIOR NOTICES
33 AND CITATIONS. On or before July 1, 2012, a local
34 authority using an automated traffic law enforcement
35 system shall discontinue using the system and remove
36 the system equipment. Effective July 1, 2012, all
37 local ordinances authorizing the use of an automated
38 traffic law enforcement system are void. However,
39 notices of violations mailed or citations issued
40 pursuant to such an ordinance prior to July 1, 2012,
41 shall not be invalidated by the enactment of this
42 division of this Act and shall be processed according
43 to the provisions of the law under which they were
44 authorized.

45 Sec. ____ . EFFECTIVE UPON ENACTMENT. The section
46 of this division of this Act relating to the removal
47 of automated traffic law enforcement systems and the
48 validity of prior notices and citations, being deemed
49 of immediate importance, takes effect upon enactment.>

50 2. Title page, line 4, after <operators,> by

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1 inserting <traffic enforcement,>
2 3. By renumbering as necessary.

BRAD ZAUN

JONI ERNST

KENT SORENSON

NANCY J. BOETTGER

ROBERT BACON

PAT WARD

MARK CHELGREN

JACK WHITVER

DAVID JOHNSON

JAMES A. SEYMOUR

RANDY FEENSTRA

JAMES F. HAHN



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STEVE KETTERING

PAUL MCKINLEY



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Senate File 2219

S-5023

1 Amend Senate File 2219 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. Section 11.6, subsection 1, paragraph
4 a, Code Supplement 2011, is amended by adding the
5 following new subparagraph:
6 NEW SUBPARAGRAPH. (3) Biennially, and in
7 conjunction with the audits of school districts
8 required under this subsection, the auditor
9 shall conduct a biennial review of the Iowa early
10 intervention block grant program administered by the
11 department of education. The review shall be conducted
12 to determine whether the program has been appropriately
13 administered and the department and school districts
14 receiving program funds complied with relevant laws,
15 rules, and guidelines. The auditor may seek from the
16 department of management reimbursement for the cost
17 of the audit from moneys provided to school districts
18 pursuant to section 257.10, subsection 11. If the
19 auditor applies to the department of management for
20 reimbursement pursuant to this subparagraph, the
21 department shall accordingly adjust the amount of aid
22 made available pursuant to section 257.10, subsection
23 11, in order to reimburse the auditor for the cost of
24 the review conducted pursuant to this subparagraph.
25 Sec. 2. Section 256D.3, subsection 3, Code 2011, is
26 amended to read as follows:
27 3. ~~Beginning January 15, 2006, the~~ The department
28 of education shall submit an annual report by January
29 15 to the chairpersons and ranking members of the
30 senate and house education committees general assembly
31 that includes the statewide average school district
32 class size in basic skills instruction in kindergarten
33 through grade three, by grade level and by district
34 size, and describes school district progress toward
35 achieving early intervention block grant program goals
36 and the ways in which school districts are using moneys
37 received pursuant to this chapter section 257.10,
38 subsection 11, and expended as provided in section
39 256D.2A. The report shall include district-by-district
40 information showing the allocation received for early
41 intervention block grant program purposes, the total
42 number of students enrolled in grade four in each
43 district, and the number of students in each district
44 who are not proficient in reading in grade four for
45 the most recent reporting period, as well as for
46 each reporting period starting with the school year
47 beginning July 1, 2001.
48 Sec. 3. Section 256D.3, Code 2011, is amended by
49 adding the following new subsection:
50 NEW SUBSECTION. 4. The department of education,

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1 in consultation with the auditor of state and the
2 legislative services agency, shall annually conduct
3 a performance audit of the programs, instructional
4 support, and materials provided by each school district
5 from funds received pursuant to section 257.10,
6 subsection 11. The purpose of a performance audit
7 is to assess the performance of a school district in
8 carrying out the purposes of this chapter, including
9 the effectiveness of the programs, instructional
10 support, and materials provided by the school district
11 from funds received pursuant to section 257.10,
12 subsection 11, based on the goals and requirements
13 established under this chapter. The department may
14 make recommendations to improve school district and
15 program performance which may include modifying,
16 streamlining, consolidating, expanding, redesigning, or
17 eliminating such programs, instructional support, and
18 materials. The department shall submit its findings
19 and recommendations to the general assembly annually
20 by January 15.>

21 2. Title page, line 1, by striking <continuation of
22 the>

23 3. By renumbering as necessary.

SHAWN HAMERLINCK

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House File 2168

S-5024

1 Amend House File 2168, as passed by the House, as
 2 follows:

3 1. Page 2, after line 19 by inserting:
 4 <Sec. _____. Section 12C.23A, subsection 3,
 5 unnumbered paragraph 1, Code 2011, is amended to read
 6 as follows:

7 If a bank is closed by its primary state or federal
 8 regulator, including a bank that has accepted public
 9 funds deposits under section 12B.10, subsection 7, each
 10 public funds depositor with deposits in the bank shall
 11 notify the treasurer of state of the amount of any
 12 claim within thirty days of the closing. The treasurer
 13 of state shall implement the following procedures:

14 Sec. _____. Section 12C.23A, subsection 3, paragraph
 15 d, Code 2011, is amended to read as follows:

16 d. If the loss of public funds is not covered by
 17 federal deposit insurance and the proceeds of the
 18 closed bank's assets that are liquidated within thirty
 19 days of the closing of the bank are not sufficient to
 20 cover the loss, then any further payments to cover
 21 the loss will come from the state sinking fund for
 22 public deposits in banks. If the balance in that
 23 sinking fund is inadequate to pay the entire loss,
 24 then the treasurer shall obtain the additional amount
 25 needed by making an assessment against other banks that
 26 are organized under chapter 524, national banks with
 27 offices in this state, and branches of out-of-state
 28 banks located in this state whose public funds deposits
 29 exceed federal deposit insurance coverage. A bank's
 30 assessment shall be determined by multiplying the total
 31 amount of the remaining loss to all public depositors
 32 in the closed bank by a percentage that represents
 33 the assessed bank's proportional share of the total
 34 of uninsured public funds deposits held by all banks
 35 and all branches of out-of-state banks, based upon the
 36 average of the uninsured public funds of the assessed
 37 bank or branch of an out-of-state bank as of the end of
 38 the four calendar quarters prior to the date of closing
 39 of the closed bank and the average of the uninsured
 40 public funds in all banks and branches of out-of-state
 41 banks as of the end of the four calendar quarters prior
 42 to the date of closing of the closed bank, excluding
 43 the amount of uninsured public funds held by the closed
 44 bank at the end of the four calendar quarters. Each
 45 bank shall pay its assessment to the treasurer of
 46 state within three business days after it receives
 47 notice of assessment. For purposes of this section,
 48 when calculating uninsured public funds, a bank shall
 49 include all deposits of customers of other financial
 50 institutions as permitted by section 12B.10, subsection

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1 7.>

COMMITTEE ON COMMERCE
MATT McCOY, CHAIRPERSON



**Iowa General Assembly
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Senate File 2169

S-5025

1 Amend Senate File 2169 as follows:

2 1. Page 10, after line 30 by inserting:

3 <Sec. _____. Section 321.105A, subsection 2,
4 paragraph c, Code 2011, is amended by adding the
5 following new subparagraph:

6 NEW SUBPARAGRAPH. (31) Vehicles subject to
7 registration which are held for sale by a motor vehicle
8 dealership in this state under a franchise agreement
9 with a motor vehicle manufacturer and are transferred
10 to another motor vehicle dealership owned by the
11 same person, persons, or entity, or by a different
12 entity that shares substantially the same ownership
13 interest, when the original dealership closes due to
14 the manufacturer's discontinuance of the motor vehicle
15 brand and disposition of motor vehicles remaining in
16 the dealership's inventory is the responsibility of the
17 franchisee.>

18 2. Page 13, after line 4 by inserting:

19 <Sec. _____. EFFECTIVE UPON ENACTMENT. The following
20 provision of this division of this Act, being deemed of
21 immediate importance, takes effect upon enactment and
22 applies retroactively to December 1, 2010, for vehicles
23 transferred on or after that date:

24 1. The section of this Act enacting section
25 321.105A, subsection 2, paragraph "c", subparagraph
26 (31).>

27 3. By renumbering as necessary.

ROBERT BACON



Iowa General Assembly
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Senate File 2153

S-5026

- 1 Amend Senate File 2153 as follows:
- 2 1. Page 1, before line 1 by inserting:
- 3 <Section 1. **NEW SECTION. 306D.5 Scenic byway**
- 4 **designation — limitation within cities.**
- 5 Any portion of an interstate highway designated as a
- 6 scenic byway which is located within the incorporated
- 7 area of a city shall not be designated as part of
- 8 the scenic byway, except when such route within the
- 9 incorporated area possesses intrinsic scenic, historic,
- 10 recreational, cultural, or archeological features which
- 11 support designation of the route as a scenic byway, as
- 12 determined by the governing body of the city.>
- 13 2. Title page, line 1, before <increasing> by
- 14 inserting <relating to certain portions of interstate
- 15 highways located within cities and>
- 16 3. By renumbering as necessary.

RICK BERTRAND

BILL ANDERSON



Iowa General Assembly
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Senate File 2113

S-5027

1 Amend Senate File 2113 as follows:
2 1. Page 1, after line 15 by inserting:
3 <Sec. _____. **NEW SECTION. 483A.8D Special**
4 **nonresident landowner deer hunting licenses.**
5 1. As used in this section:
6 a. "Family member" means a nonresident who is the
7 spouse or child of the owner.
8 b. "Farm unit" means all parcels of land which are
9 certified by the commission pursuant to rule as meeting
10 the following requirements:
11 (1) Are in tracts of eighty or more contiguous
12 acres.
13 (2) Are under the lawful control of the owner.
14 c. "Owner" means a nonresident who is the owner
15 of a farm unit for taxation purposes or is a majority
16 investor in the farm unit.
17 2. Notwithstanding section 483A.8, subsection
18 5, upon written application on forms furnished by
19 the department and payment of a fee of one thousand
20 dollars, the department shall issue annually two deer
21 hunting licenses, one antlered or any sex deer hunting
22 license and one antlerless deer only deer hunting
23 license, to the owner of a farm unit or to a family
24 member of the owner, but limited to a total of two
25 licenses for both.
26 3. In addition, if an owner of a farm unit or
27 a family member of the owner purchases deer hunting
28 licenses pursuant to subsection 2, that person may
29 purchase additional antlerless deer only deer hunting
30 licenses which are valid only for use on the farm unit
31 under the same conditions and for the same price as
32 resident owners and their family members.
33 4. The deer hunting licenses issued shall be valid
34 only for use on the farm unit for which the applicant
35 applies pursuant to this section.
36 5. A person who is issued a deer hunting license
37 pursuant to this section may transfer the license to
38 another person for use only on the farm unit for which
39 the license was issued.
40 6. If a farm unit has multiple owners, only one
41 owner and that owner's family members may apply for
42 licenses pursuant to this section.
43 7. The deer hunting licenses issued pursuant
44 to this section may be used during any deer hunting
45 season.
46 8. A person who is issued or to whom a deer hunting
47 license is transferred pursuant to this section shall
48 be otherwise qualified to hunt deer in this state, pay
49 the wildlife habitat fee, and pay the one dollar fee
50 for the purpose of deer herd population management,

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av/nh

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1 including assisting with the cost of processing deer
2 donated to the help us stop hunger program administered
3 by the commission.
4 9. a. A deer hunting license issued pursuant to
5 this section shall be attested by the signature of the
6 person to whom the license is issued and shall contain
7 a statement in substantially the following form:
8 By signing this license I certify that I qualify
9 as an owner or family member under Iowa Code section
10 483A.8D.
11 b. A person who makes a false attestation under
12 this subsection is guilty of a simple misdemeanor.
13 In addition, the person's deer hunting license shall
14 be revoked and the person shall not be issued a deer
15 hunting license for a period of one year.>
16 2. Title page, by striking lines 1 and 2 and
17 inserting <An Act relating to deer hunting and making
18 penalties applicable.>
19 3. By renumbering as necessary.

MARK CHELGREN



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Senate File 2226

S-5028

- 1 Amend Senate File 2226 as follows:
2 1. Page 1, by striking lines 5 and 6 and inserting
3 <to Iowans. The moneys in the fund shall be used for
4 the purpose of providing funding to financing>
5 2. Page 1, line 13, by striking <appropriated to
6 the fund,>
7 3. Page 1, by striking line 16 and inserting <shall
8 be used by the authority as set forth>
9 4. Page 1, lines 18 and 19, by striking <and are
10 appropriated to>
11 5. Page 1, line 24, by striking <or appropriated to
12 the fund>

THOMAS G. COURTNEY



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Senate File 2269 - Introduced

SENATE FILE 2269
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SF 2152)

A BILL FOR

1 An Act relating to the land application of wastewater from
2 on-farm processing operations, and including effective date
3 provisions.

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

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1 Section 1. Section 455B.172A, subsection 1, paragraph a,
2 subparagraph (2), Code Supplement 2011, is amended by striking
3 the subparagraph.

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

6 EXPLANATION

7 This bill amends a provision enacted in SF 321 during the
8 2011 legislative session (2011 Iowa Acts, chapter 31) which
9 authorizes the department of natural resources to adopt by
10 rule standards for the disposal of wastewater from an on-farm
11 processing operation which processes commodities into food
12 such as a dairy, creamery, winery, distillery, cannery,
13 bakery, or meat or poultry processor (Code section 455B.172A).
14 Code section 455B.172A currently provides that wastewater
15 originating from the operation may be applied on land if a
16 number of requirements are satisfied. The bill eliminates the
17 requirement that the wastewater be land-applied by a person
18 licensed by the department to dispose of sewage pursuant to
19 Code section 455B.172(5).



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Senate File 2270 - Introduced

SENATE FILE 2270
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3149)

A BILL FOR

1 An Act relating to the state comprehensive Alzheimer's disease
2 response strategy.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. **NEW SECTION. 135P.1 Definitions.**

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

4 1. *"Alzheimer's disease"* or *"Alzheimer's"* means a
5 progressive, degenerative, fatal disorder that results in loss
6 of memory, loss of thinking and language skills, and behavioral
7 changes. *"Alzheimer's disease"* includes related dementias
8 including vascular dementia, Parkinson's disease, dementia with
9 Lewy bodies, frontotemporal dementia, Crutzfeldt-Jakob disease,
10 normal pressure hydrocephalus, and mixed dementia.

11 2. *"Department"* means the department of public health.

12 Sec. 2. **NEW SECTION. 135P.2 Alzheimer's disease —**
13 **state-level coordination and comprehensive response strategy.**

14 1. The department of public health shall lead the effort to
15 expand the state-level infrastructure necessary to prepare for
16 long-term, comprehensive support of Alzheimer's disease-related
17 activities in the state. The department shall develop and
18 administer a comprehensive Alzheimer's disease response
19 strategy and act as the coordination hub to facilitate,
20 integrate, and monitor interagency planning and policymaking;
21 expand public and private partnerships to enhance public
22 awareness and improve access to quality care; and identify
23 funding opportunities to further the goals of this chapter.

24 2. The department shall formulate and administer a
25 multiyear comprehensive Alzheimer's disease response strategy
26 that includes short-term and long-term objectives and
27 action steps. Both short-term and long-term objectives and
28 action steps should focus on ensuring that individuals with
29 Alzheimer's disease have access to the highest quality, most
30 appropriate care at all stages of the disease and in all
31 settings across the service and supports continuum. The
32 response strategy may include prioritization of objectives and
33 action steps to most efficiently utilize resources and funding.
34 The department shall update the initial strategy biennially to
35 address the challenges presented with increased prevalence of



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1 the disease, and shall submit a progress report annually in
2 January to the governor and the general assembly.

3 3. In developing the necessary infrastructure and
4 formulating and administering the comprehensive Alzheimer's
5 disease response strategy, the department shall do all of the
6 following:

7 a. Establish a dedicated full-time position of Alzheimer's
8 disease coordinator within the department. The coordinator,
9 in partnership with public and private entities and the
10 multidisciplinary advisory council, shall to do all of the
11 following:

12 (1) Based upon the recommendations of Alzheimer's disease
13 workgroup pursuant to 2011 Iowa Acts, chapter 61, initially
14 formulate and subsequently update the comprehensive Alzheimer's
15 disease response strategy.

16 (2) Broaden awareness of the impact of individuals with
17 Alzheimer's disease, and coordinate a public awareness
18 and education campaign with public and private partners to
19 demystify and encourage public understanding and acceptance of
20 Alzheimer's disease, promote the importance of early detection
21 and diagnosis, promote efforts that educate physicians
22 and other health professionals in best practice standards,
23 collaborate in the dissemination of reliable information, and
24 promote resource and referral opportunities.

25 (3) Lead and coordinate data collection efforts among
26 public and private entities to provide a centralized point of
27 data collection and serve as a clearinghouse of information
28 regarding Alzheimer's disease. Data collection efforts
29 shall focus on increasing surveillance of the prevalence and
30 impact of Alzheimer's disease in the state and, to the extent
31 possible, utilize and enhance existing assessment tools to
32 promote common data elements and uniform collection of data.
33 Data collection should specifically include informing planning
34 for individuals with younger onset Alzheimer's disease.

35 (4) Coordinate efforts to expand access to quality

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1 services. The effort shall focus on promoting a system of care
2 that provides equitable access to multiple, individualized
3 services and supports that are evidence-based, coordinated,
4 interdisciplinary, and person-centered. To the greatest extent
5 possible the system of care shall utilize a social rather than
6 medical model by incorporating and enhancing existing health
7 home and preventive care initiatives, home and community-based
8 services and supports, and technologies such as telemedicine
9 especially in rural and underserved areas of the state.

10 (5) Address workforce challenges specific to Alzheimer's
11 disease and dementia by coordinating with existing state
12 efforts that align and implement curriculum and training
13 requirements for providers who interact with persons with
14 Alzheimer's disease; and by supporting efforts to improve
15 recruitment and retention of targeted professionals with
16 dementia-specific education and training including but not
17 limited to psychiatrists, gerontologists, neurologists, and
18 direct care professionals.

19 (6) Act as a liaison to the aging and disability resource
20 centers, area agencies on aging, Alzheimer's association
21 chapters, the health and long-term care advisory council
22 created in sections 135.163 and 135.164, and other entities to
23 ensure Alzheimer's disease is appropriately addressed in the
24 state.

25 (7) Apply for public and private funding relating to
26 dementia to fulfill the duties specified under this chapter.

27 *b.* Convene a multidisciplinary advisory council. The
28 council shall assist and advise the department and the
29 coordinator; develop partnerships to provide coordination,
30 collaboration and support for Alzheimer's-related services
31 and programs throughout the state; and advocate on behalf of
32 persons with Alzheimer's disease and their families. The
33 advisory council shall, at a minimum, include representation
34 from individuals with Alzheimer's disease and their families;
35 caregivers and other providers of services and supports;

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1 medical providers including primary and specialty care
 2 providers including geriatricians, neurologists, and others
 3 with expertise in Alzheimer's disease; the Alzheimer's
 4 association; community-based organizations and other
 5 organizations with interest or expertise in Alzheimer's
 6 disease; academic institutions and programs with a focus
 7 on Alzheimer's disease and dementia; and appropriate state
 8 agencies including but not limited to the department on
 9 aging, the department of human services, the department of
 10 inspections and appeals, the department of public safety, and
 11 the department of workforce development. The department shall
 12 enlist private entities in providing staff support for the
 13 council.

14 Sec. 3. REPEAL. Sections 135.171 and 231.62, Code and Code
 15 Supplement 2011, are repealed.

16 Sec. 4. INCORPORATION OF EXISTING STATE DUTIES. The
 17 department of public health shall incorporate the requirements
 18 specified in sections 135.171 and 231.62, Code and Code
 19 Supplement 2011, into the comprehensive Alzheimer's disease
 20 strategy formulated and administered pursuant to this Act.

EXPLANATION

22 This bill relates to state-level coordination of and a
 23 comprehensive response strategy for Alzheimer's disease. The
 24 bill creates a new Code chapter, Code chapter 135P, to direct
 25 that the department of public health (DPH) is to lead the
 26 effort to expand the state-level infrastructure and develop
 27 and administer a comprehensive Alzheimer's disease response
 28 strategy. The bill provides a definition of Alzheimer's
 29 disease which includes related dementias.

30 The bill directs DPH to formulate and administer a multiyear
 31 comprehensive Alzheimer's disease response strategy, to update
 32 the strategy biennially, and to submit a progress report
 33 annually in January to the governor and the general assembly.
 34 The response strategy may include prioritization of objectives
 35 and action steps to most efficiently utilize resources and



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1 funding.

2 In developing the necessary infrastructure and formulating
3 and administering the comprehensive Alzheimer's disease
4 response strategy, DPH is directed to establish a dedicated
5 full-time position of Alzheimer's disease coordinator within
6 the department and to convene a multidisciplinary advisory
7 council.

8 The coordinator, in partnership with public and private
9 entities and the multidisciplinary advisory council created in
10 the bill, is to initially formulate and subsequently update the
11 comprehensive Alzheimer's disease response strategy; broaden
12 awareness of the impact of Alzheimer's disease, and coordinate
13 a public awareness and education campaign with public and
14 private partners; lead and coordinate data collection efforts
15 among public and private entities to provide a centralized
16 point of data collection and serve as a clearinghouse of
17 information regarding Alzheimer's disease; coordinate efforts
18 to expand access to quality services; address workforce
19 challenges specific to Alzheimer's disease and dementia; act as
20 a liaison to public and private entities to ensure Alzheimer's
21 disease is appropriately addressed in the state; and apply for
22 public and private funding relating to dementia to fulfill the
23 duties specified under the bill.

24 The multidisciplinary advisory council is to assist and
25 advise the department and the coordinator; develop partnerships
26 related to Alzheimer's-related services and programs throughout
27 the state; and advocate on behalf of persons with Alzheimer's
28 disease and their families. The bill specifies the minimum
29 representation to be included in the advisory council, and
30 directs DPH to enlist private entities in providing staff
31 support for the council.

32 The bill repeals the Code section relating to a directive
33 to DPH to analyze Iowa's population to determine the existing
34 service utilization and future service needs of persons with
35 Alzheimer's disease and similar forms of irreversible dementia

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1 (Code section 135.171). The bill also repeals the Code
2 section relating to a directive to the department on aging to
3 review trends and initiatives to address the long-term living
4 needs of Iowans with Alzheimer's disease and similar forms
5 of irreversible dementia, and to expand and improve training
6 and education of persons who regularly deal with persons with
7 Alzheimer's disease and similar forms of irreversible dementia
8 (Code section 231.62). DPH is required to incorporate both of
9 these directives into the comprehensive Alzheimer's disease
10 response strategy formulated and administered under the bill.



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Senate File 2271 - Introduced

SENATE FILE 2271
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3021)

A BILL FOR

1 An Act relating to the licensure of ambulatory surgical
2 centers, providing fees and penalties, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 135P.1 **Definitions.**

2 1. "Ambulatory surgical center" means a facility which as
3 its primary function provides, through an organized medical
4 staff and on an outpatient basis to patients who are generally
5 ambulatory, surgical procedures not ordinarily performed in a
6 private physician's office, but not requiring twenty-four-hour
7 hospitalization, and which is neither a part of a hospital nor
8 the private office of a health care provider who there engages
9 in the lawful practice of surgery. "Ambulatory surgical center"
10 includes a facility certified or seeking certification as an
11 ambulatory surgical center under the federal Medicare program
12 or under the medical assistance program established pursuant to
13 chapter 249A. "Ambulatory surgical center" does not include a
14 facility operated by a person licensed to practice dentistry
15 pursuant to chapter 153.

16 2. "Department" means the department of inspections and
17 appeals.

18 3. "Governmental unit" means the state, or any county,
19 municipality, or other political subdivision, or any
20 department, division, board, or other agency of any of the
21 foregoing.

22 Sec. 2. NEW SECTION. 135P.2 **Purpose.**

23 The purpose of this chapter is to protect the public
24 health, safety, and welfare by providing for the development,
25 establishment, and enforcement of basic standards for the
26 operation, construction, and maintenance of ambulatory surgical
27 centers.

28 Sec. 3. NEW SECTION. 135P.3 **Licensure.**

29 No person or governmental unit, acting severally or jointly
30 with any other person or governmental unit, shall establish,
31 operate, or maintain an ambulatory surgical center in this
32 state without obtaining a license as provided under this
33 chapter.

34 Sec. 4. NEW SECTION. 135P.4 **Application for license — fee.**

35 An ambulatory surgical center license shall be obtained from



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1 the department. Applications for a license shall be upon such
2 forms and shall include such information as the department may
3 reasonably require, which may include affirmative evidence
4 of compliance with this chapter, other statutes, and rules
5 as may be applicable. Each application for license shall be
6 accompanied by the required license fee which shall be credited
7 to the general fund of the state. The initial and annual
8 license fee shall be five hundred dollars.

9 **Sec. 5. NEW SECTION. 135P.5 Issuance and renewal of**
10 **license.**

11 1. Upon receipt of an application for license and the
12 license fee, the department shall issue a license if the
13 applicant and the ambulatory surgical center comply with this
14 chapter and the rules of the department. The department shall
15 renew a license upon payment of the five hundred dollar annual
16 license fee and filing of an application form available from
17 the department.

18 2. A license shall be either general or restricted in form.
19 A license shall be issued only for the premises and persons
20 or governmental units named in the application and is not
21 transferable or assignable except with the written approval of
22 the department. A license shall be posted in a conspicuous
23 place on the licensed premises as prescribed by rule of the
24 department.

25 **Sec. 6. NEW SECTION. 135P.6 Denial, suspension, or**
26 **revocation of license — hearings and review.**

27 1. The department may deny, suspend, or revoke a license
28 in any case where it finds that there has been a substantial
29 failure to comply with this chapter or the rules or minimum
30 standards adopted pursuant to this chapter.

31 2. The procedure governing notice and hearing to deny
32 an application or suspend or revoke a license shall be in
33 accordance with the rules adopted by the department. A full
34 and complete record shall be kept of the proceedings and of
35 any testimony. The record of any proceeding pursuant to this

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1 section need not be transcribed unless judicial review is
2 sought. A copy or copies of the transcript may be obtained by
3 an interested party on payment of the cost of preparing the
4 copy or copies.

5 **Sec. 7. NEW SECTION. 135P.7 Rules.**

6 1. The department shall adopt rules setting out the
7 standards for ambulatory surgical centers to be licensed under
8 this chapter. The rules shall be consistent with and not
9 exceed the requirements of this chapter and the conditions
10 for coverage in the federal Medicare program for ambulatory
11 surgical centers under 42 C.F.R. pt. 416.

12 2. The department shall adopt rules to govern the notice
13 and hearing procedure when a license is denied, suspended, or
14 revoked.

15 3. The rules shall require ambulatory surgical centers
16 to report ambulatory data to the department of public health
17 or the designated intermediary for the purpose of public
18 dissemination of health data as initially authorized in 1996
19 Iowa Acts, chapter 1212, section 5, subsection 1, paragraph "a",
20 subparagraph (4).

21 4. An ambulatory surgical center which is in operation at
22 the time of promulgation of any applicable rules or minimum
23 standards under this chapter shall be given a reasonable time,
24 not to exceed one year from the date of promulgation, within
25 which to comply with such rules and minimum standards.

26 5. The department shall enforce the rules.

27 **Sec. 8. NEW SECTION. 135P.8 Inspections.**

28 1. The department shall make or cause to be made inspections
29 or complaint investigations of ambulatory surgical centers as
30 the department deems necessary in order to determine compliance
31 with this chapter and applicable rules.

32 2. The department shall recognize, in lieu of its own
33 licensure inspection, the comparable inspection and inspection
34 findings of a Medicare conditions for coverage survey.

35 3. A department inspector shall not participate in an



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1 inspection or complaint investigation of an ambulatory surgical
 2 center in which the inspector or a member of the inspector's
 3 immediate family works or has worked within the last two years
 4 or in which the inspector or the inspector's immediate family
 5 has a financial ownership interest. For the purposes of this
 6 section, "*immediate family member*" means a spouse, natural or
 7 adoptive parent or grandparent, child, grandchild, sibling,
 8 stepparent, stepchild, or stepsibling.

9 Sec. 9. NEW SECTION. 135P.9 **Employee background checks.**

10 1. An ambulatory surgical center shall comply with child or
 11 dependent adult abuse information and criminal record checks
 12 and evaluations in the same manner as provided in section
 13 135B.34.

14 2. An ambulatory surgical center licensed in this state
 15 may access the single contact repository established by the
 16 department pursuant to section 135C.33 as necessary for the
 17 ambulatory surgical center to perform record checks of persons
 18 employed or being considered for employment by the ambulatory
 19 surgical center.

20 Sec. 10. NEW SECTION. 135P.10 **Confidentiality.**

21 The department's final inspection or investigation findings
 22 or the final survey findings of an accrediting body, authorized
 23 by the department in rule, with respect to compliance by an
 24 ambulatory surgical center with requirements for licensing
 25 or accreditation shall be made available to the public in a
 26 readily available form and place. Other information relating
 27 to an ambulatory surgical center obtained by the department
 28 which does not constitute the department's findings from an
 29 inspection or investigation of the ambulatory surgical center
 30 or the final survey findings of the accrediting body shall
 31 not be made available to the public, except in proceedings
 32 involving the denial, suspension, or revocation of a license
 33 under this chapter. The name of a person who files a complaint
 34 with the department shall remain confidential and shall not
 35 be subject to discovery, subpoena, or other means of legal

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1 compulsion for its release to a person other than department
2 employees or agents involved in the investigation of the
3 complaint.

4 Sec. 11. NEW SECTION. 135P.11 **Judicial review.**

5 Judicial review of an action of the department may be sought
6 in accordance with chapter 17A. Notwithstanding the provisions
7 of chapter 17A, petitions for judicial review may be filed
8 in the district court of the county in which the ambulatory
9 surgical center is located or to be located and the status quo
10 of the petitioner or licensee shall be preserved pending final
11 disposition of the judicial review matter.

12 Sec. 12. NEW SECTION. 135P.12 **Penalty.**

13 Any person establishing, conducting, managing, or operating
14 any ambulatory surgical center without a license commits a
15 serious misdemeanor, and each day of continuing violation after
16 conviction shall be considered a separate offense.

17 Sec. 13. NEW SECTION. 135P.13 **Injunction.**

18 Notwithstanding the existence or pursuit of any other
19 remedy, the department may, in the manner provided by law,
20 maintain an action in the name of the state for injunction
21 or other process against any person or governmental unit to
22 restrain or prevent the establishment, conduct, management, or
23 operation of an ambulatory surgical center without a license.

24 Sec. 14. WORKGROUP ESTABLISHED — RULES. The department
25 of public health shall convene a workgroup with stakeholders
26 and a designated intermediary to determine which fields of
27 information will be utilized in the data reporting requirement
28 pursuant to chapter 135P as enacted in this Act. Any rules
29 adopted by the department of public health regarding the
30 data reporting requirements pursuant to section 135P.7, as
31 enacted in this Act, shall reflect the recommendations of the
32 workgroup.

33 Sec. 15. EFFECTIVE DATE. This Act takes effect July 1,
34 2013.

35

EXPLANATION

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1 This bill relates to ambulatory surgical centers. The
2 bill defines "ambulatory surgical center" as a facility which
3 primarily provides surgical outpatient procedures that are not
4 ordinarily performed in a private physician's office but do
5 not require 24-hour hospitalization. The bill provides that
6 an "ambulatory surgical center" includes a facility that is
7 certified or is seeking certification as an ambulatory surgical
8 center under the federal Medicare program or under the medical
9 assistance program established pursuant to Code chapter 249A,
10 but does not include a facility operated by a person licensed
11 to practice dentistry.

12 The bill states the purpose of new Code chapter 135P is
13 to protect public health, safety, and welfare by providing
14 basic standards for operating, constructing, and maintaining
15 an ambulatory surgical center.

16 The bill requires that any person or governmental unit
17 acting separately or together that establishes, conducts, or
18 maintains an ambulatory surgical center must have a license as
19 provided under the Code chapter. The person or governmental
20 unit shall obtain a license from the department of inspections
21 and appeals (DIA). The application shall include information
22 that the DIA may reasonably require including affirmative
23 evidence of compliance with new Code chapter 135P, other
24 statutes, and rules. An application must be accompanied by the
25 required initial license fee of \$500. An annual license fee is
26 also \$500. The license fees are to be credited to the state's
27 general fund. The bill also provides that the DIA shall issue
28 a license upon receiving an application if the applicant
29 and the ambulatory surgical center comply with Code chapter
30 135P and the rules of the department. A licensee receives
31 reapproval upon payment of the \$500 license fee and filing
32 an application form available from the DIA. Licenses are
33 general or restricted in form. A license will be issued only
34 for a premises and persons or governmental units named in the
35 application and the license is not transferable or assignable

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1 without written approval of the DIA. The bill requires that
2 a license be posted in a conspicuous place on the licensed
3 premises as prescribed by department rules.
4 The bill states that the DIA may deny, suspend, or revoke a
5 license when it finds the licensee or applicant substantially
6 failed to comply with Code chapter 135P or rules or minimum
7 standards adopted pursuant to the Code chapter. The bill
8 states that the DIA rules will govern the procedure for notice
9 and hearing to deny an application for a license or to revoke
10 or suspend a license. The bill states a full and complete
11 record of the proceedings shall be kept, but the record does
12 not need to be transcribed unless judicial review is sought. A
13 transcript of the proceeding may be obtained by an interested
14 party on payment of the cost of preparing the copy or copies.
15 The bill provides that the DIA shall adopt rules setting
16 the standards for an ambulatory surgical center to be licensed
17 under the Code chapter. The rules must be consistent with
18 and cannot exceed the requirements of Code chapter 135P or
19 the federal requirements for coverage in the federal Medicare
20 program for ambulatory surgical centers under 42 C.F.R.
21 pt. 416. The DIA must also establish, by rule, the notice
22 and hearing procedure if a license is denied, revoked, or
23 suspended. The DIA must also enforce the rules. The rules
24 established by the DIA shall require ambulatory surgical
25 centers to report ambulatory data to the department of public
26 health or the designated intermediary for purposes of public
27 health dissemination of health data. The bill states that
28 an ambulatory surgical center in operation at the time of
29 promulgation of applicable rules or standards under Code
30 chapter 135P shall be given a reasonable time, not to exceed
31 one year, to comply with the rules and minimum standards.
32 The bill provides for inspections of ambulatory surgical
33 centers. The bill requires the DIA to make, or cause to be
34 made, inspections or complaint investigations as the DIA deems
35 necessary to determine compliance with Code chapter 135P and

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1 the applicable rules. The DIA must recognize the comparable
2 inspection and findings of a Medicare conditions for coverage
3 survey in lieu of the DIA's own licensure inspection.

4 The DIA inspectors must not participate in an inspection or
5 complaint investigation of an ambulatory surgical center if the
6 inspector or a member of the inspector's immediate family works
7 or has worked at the ambulatory surgical center within the last
8 two years. A DIA inspector also must not participate in an
9 inspection or complaint investigation of an ambulatory surgical
10 center in which the inspector or the inspector's immediate
11 family has a financial or ownership interest.

12 The bill provides that an ambulatory surgical center shall
13 comply with abuse and criminal background checks in the same
14 manner as provided in Code section 135B.34. The bill also
15 states that a licensed ambulatory surgical center is allowed to
16 access the single contact repository as is necessary to perform
17 record checks of employees or potential employees.

18 The bill provides for the confidentiality of the DIA records
19 of ambulatory surgical centers. The bill states that the DIA's
20 final inspection or investigation findings, or survey findings
21 of an accredited body authorized by the DIA rules, regarding
22 an ambulatory surgical center's compliance with requirements
23 for licensing or accreditation must be made available to the
24 public in a readily available form and place. The bill states
25 that other information acquired by the DIA relating to an
26 ambulatory surgical center shall not be made available to the
27 public except in proceedings involving denial, suspension,
28 or revocation of a license. The bill also provides that the
29 name of a person who files a complaint with the DIA shall
30 remain confidential regardless of means of legal compulsion
31 for its release, other than the release of the name to the DIA
32 employees or agents involved in investigating a complaint.

33 The bill provides that judicial review may be sought
34 pursuant to Code chapter 17A, but petitions for judicial review
35 may be filed in the district court of the county in which the

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1 ambulatory surgical center is located or is to be located,
2 notwithstanding the terms of Code chapter 17A. The bill
3 provides that the status quo of the petitioner or licensee is
4 preserved pending final disposition in court.

5 The bill establishes a penalty for any person establishing,
6 conducting, managing, or operating an ambulatory surgical
7 center without a license. The person is guilty of a serious
8 misdemeanor and each day of the continuing violation after a
9 conviction is a separate offense.

10 The bill provides that the DIA may maintain an action in
11 the name of the state for an injunction or other process
12 against a person or governmental unit to restrain or prevent
13 the establishment, conduct, management, or operation of an
14 unlicensed ambulatory surgical center.

15 The bill establishes a workgroup to recommend which
16 fields of information will be utilized for the data reporting
17 requirement provided in Code chapter 135P. The department of
18 public health shall convene the workgroup with stakeholders
19 and a designated intermediary. The bill requires that any
20 rules adopted by the department of public health regarding
21 the data reporting requirement shall reflect the workgroup's
22 recommendations.

23 The bill provides that the Act takes effect July 1, 2013.



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Senate File 2272 - Introduced

SENATE FILE 2272
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3170)

A BILL FOR

1 An Act relating to enhanced 911 emergency communication
2 systems, including surcharges and the allocation of moneys
3 collected from such surcharges.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 34A.2, Code 2011, is amended to read as
2 follows:

3 **34A.2 Definitions.**

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

6 1. *"Access line"* means an exchange access line that has the
7 ability to access dial tone and reach a public safety answering
8 point.

9 2. *"Administrator"* means the administrator of the homeland
10 security and emergency management division of the department
11 of public defense.

12 3. *"Communications service"* means a service capable
13 of accessing, connecting with, or interfacing with a 911
14 system by dialing, initializing, or otherwise activating
15 the system exclusively through the digits 911 by means of a
16 local telephone device, cellular telephone device, wireless
17 communications device, or alternative means to be designated by
18 the homeland security and emergency management division of the
19 department of public defense by rule.

20 4. *"Communications service provider"* means a service
21 provider, public or private, that transports information
22 electronically via landline, wireless, internet, cable, or
23 satellite.

24 ~~3-~~ 5. *"Competitive local exchange service provider"* means
25 the same as defined in section 476.96.

26 ~~4.~~ *"Emergency 911 notification device"* means ~~a product~~
27 ~~capable of accessing a public safety answering point through~~
28 ~~the 911 system.~~

29 6. *"Emergency communications service surcharge"* means a
30 charge established by the program manager in accordance with
31 section 34A.7A.

32 ~~5-~~ 7. *"Enhanced 911"* or *"E911"* means a service that
33 provides the user of a communications service with the ability
34 to reach a public safety answering point by dialing using the
35 digits 911, and that has the following additional features:



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- 1 *a.* Routes an incoming 911 call to the appropriate public
2 safety answering point.
- 3 *b.* Automatically provides voice, displays the name, address
4 or location, and telephone number of an incoming 911 call and
5 public safety agency servicing the location.
- 6 ~~6.~~ 8. *"Enhanced 911 service area"* means the geographic
7 area to be serviced, or currently serviced under an enhanced
8 911 service plan, provided that an enhanced 911 service area
9 must at minimum encompass one entire county. The enhanced 911
10 service area may encompass more than one county, and need not
11 be restricted to county boundaries.
- 12 ~~7.~~ 9. *"Enhanced 911 service plan"* means a plan that
13 includes the following information:
- 14 *a.* A description of the enhanced 911 service area.
- 15 *b.* A list of all public and private safety agencies within
16 the enhanced 911 service area.
- 17 *c.* The number of public safety answering points within the
18 enhanced 911 service area.
- 19 *d.* Identification of the agency responsible for management
20 and supervision of the enhanced 911 emergency communication
21 system.
- 22 *e.* (1) A statement of estimated costs to be incurred by the
23 joint E911 service board or the department of public safety,
24 including separate estimates of the following:
- 25 (i) Nonrecurring costs, including~~7~~ but not limited to~~7~~
26 public safety answering points, network equipment, software,
27 database, addressing, initial training, and other capital ~~and~~
28 ~~start-up~~ expenditures, including the purchase or lease of
29 subscriber names, addresses, and telephone information from the
30 local exchange service provider.
- 31 (ii) Recurring costs, including~~7~~ but not limited to~~7~~
32 network access fees and other telephone charges, software,
33 equipment, and database management, and maintenance, including
34 the purchase or lease of subscriber names, addresses, and
35 telephone information from the local exchange service provider.

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1 Recurring costs shall not include personnel costs for a public
2 safety answering point.

3 (2) Funds deposited in an E911 service fund are appropriated
4 and shall be used for the payment of costs that are limited
5 to nonrecurring and recurring costs directly attributable to
6 the ~~provision~~ receipt and disposition of the 911 emergency
7 ~~telephone communication service call~~ and may include costs
8 for portable and vehicle radios, communication towers
9 and associated equipment, and other radios and associated
10 equipment permanently located at the public safety answering
11 point and as directed by either the joint E911 service board
12 or the department of public safety. Costs do not include
13 expenditures for any other purpose, and specifically exclude
14 costs attributable to other emergency services or expenditures
15 for buildings or personnel, except for the costs of personnel
16 for database management and personnel directly associated with
17 addressing.

18 f. Current equipment operated by affected local exchange
19 service providers, and central office equipment and technology
20 upgrades necessary for the provider to implement enhanced 911
21 service within the enhanced 911 service area.

22 g. A schedule for implementation of the plan throughout
23 the E911 service area. The schedule may provide for phased
24 implementation.

25 h. The number of telephone access lines capable of access to
26 911 in the enhanced 911 service area.

27 i. The total property valuation in the enhanced 911 service
28 area.

29 ~~8-~~ 10. "Local exchange carrier" means the same as defined
30 in section 476.96.

31 ~~9-~~ 11. "Local exchange service provider" means a vendor
32 engaged in providing telecommunications service between
33 points within an exchange and includes but is not limited to
34 a competitive local exchange service provider and a local
35 exchange carrier.



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1 ~~10.~~ 12. *“Program manager”* means the E911 program manager
2 appointed pursuant to section 34A.2A.

3 ~~11.~~ 13. *“Provider”* means a vendor who provides, or offers
4 to provide, E911 equipment, installation, maintenance, or
5 exchange access services within the enhanced 911 service area.

6 ~~12.~~ 14. *“Public or private safety agency”* means a unit of
7 state or local government, a special purpose district, or a
8 private firm which provides or has the authority to provide
9 fire fighting, police, ambulance, emergency medical services,
10 or hazardous materials response.

11 ~~13.~~ 15. *“Public safety answering point”* means a
12 twenty-four-hour public safety communications facility that
13 receives enhanced 911 service calls and directly dispatches
14 emergency response services or relays calls to the appropriate
15 public or private safety agency.

16 16. *“Wireless communications service”* means commercial
17 mobile radio service, as defined under sections 3(27) and
18 332(d) of the federal Telecommunications Act of 1996, 47 U.S.C.
19 § 151 et seq.; federal communications commission rules; and
20 the federal Omnibus Budget Reconciliation Act of 1993, Pub.
21 L. No. 103-66. *“Wireless communications service”* includes any
22 wireless two-way communications used in cellular telephone
23 service, personal communications service, or the functional or
24 competitive equivalent of a radio-telephone communications line
25 used in cellular telephone service, a personal communications
26 service, or a network access line. *“Wireless communications*
27 *service”* does not include a service whose customers do not
28 have access to 911 or 911-like service, a communications
29 channel utilized only for data transmission, or a private
30 telecommunications system.

31 17. *“Wireless communications service provider”* means a
32 company that offers wireless communications service to users
33 of wireless devices including but not limited to cellular,
34 personal communications services, mobile satellite services,
35 and enhanced specialized mobile radio.

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1 ~~14.~~ 18. *"Wireless E911 phase 1"* means a 911 call made
2 from a wireless device in which the wireless service provider
3 delivers the call-back number and address of the tower that
4 received the call to the appropriate public safety answering
5 point.

6 ~~15.~~ 19. *"Wireless E911 phase 2"* means a 911 call made
7 from a wireless device in which the wireless service provider
8 delivers the call-back number and the latitude and longitude
9 coordinates of the wireless device to the appropriate public
10 safety answering point.

11 ~~16.~~ 20. *"Wire-line E911 service surcharge"* ~~is~~ means a charge
12 set by the E911 service area operating authority and assessed
13 on each wire-line access line which physically terminates
14 within the E911 service area in accordance with section 34A.7.

15 Sec. 2. Section 34A.3, subsection 4, Code 2011, is amended
16 to read as follows:

17 4. *Participation in joint E911 service board required.* A
18 political subdivision ~~or state agency~~ having a public safety
19 agency within its territory or jurisdiction shall participate
20 in a joint E911 service board and cooperate in maintaining the
21 E911 service plan.

22 Sec. 3. Section 34A.6, subsection 1, Code 2011, is amended
23 to read as follows:

24 1. Before a joint E911 service board may request imposition
25 of the wire-line surcharge by the program manager, the board
26 shall submit the following question to voters, as provided
27 in subsection 2, in the proposed E911 service area, and the
28 question shall receive a favorable vote from a simple majority
29 of persons submitting valid ballots on the following question
30 within the proposed E911 service area:

31 Shall the following public measure be adopted?

32 YES ...

33 NO ...

34 Enhanced 911 emergency telephone service shall be funded,
35 in whole or in part, by a monthly surcharge of (an amount



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1 determined by the local joint E911 service board of up to one
2 dollar) on each telephone access line collected as part of each
3 telephone subscriber's monthly phone bill if provided within
4 (description of the proposed E911 service area).

5 Sec. 4. Section 34A.7, subsection 1, paragraph a,
6 unnumbered paragraph 1, Code 2011, is amended to read as
7 follows:

8 To encourage local implementation of E911 service, one
9 source of funding for E911 emergency telephone communication
10 systems shall come from a surcharge per month, per access
11 line on each access line subscriber, except as provided in
12 subsection 5, equal to the lowest amount of the following:

13 Sec. 5. Section 34A.7, subsection 2, paragraph b, Code 2011,
14 is amended to read as follows:

15 b. A local exchange service provider is not liable for an
16 uncollected surcharge for which the local exchange service
17 provider has billed a subscriber but not been paid. The
18 surcharge shall appear as a single line item on a subscriber's
19 periodic billing entitled, "E911 emergency telephone
20 communications service surcharge".

21 Sec. 6. Section 34A.7A, Code 2011, is amended to read as
22 follows:

23 **34A.7A Wireless Emergency communications service surcharge —**
24 **fund established — distribution and permissible expenditures.**

25 1. a. Notwithstanding section 34A.6, the administrator
26 shall adopt by rule a monthly surcharge of up to ~~sixty-five~~
27 cents one dollar to be imposed on each ~~wireless~~ communications
28 service number provided in this state. The surcharge shall be
29 imposed uniformly on a statewide basis and simultaneously on
30 all ~~wireless~~ communications service numbers as provided by rule
31 of the administrator. The surcharge shall not be imposed on
32 wire-line-based communications.

33 b. The program manager shall provide no less than one
34 hundred days' notice of the surcharge to be imposed to each
35 ~~wireless~~ communications service provider. The program manager,



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1 subject to the ~~sixty-five-cent~~ one dollar limit in paragraph
2 "a", may adjust the amount of the surcharge as necessary, but no
3 more than once in any calendar year.

4 c. (1) The surcharge shall be collected as part of the
5 ~~wireless~~ communications service provider's periodic billing
6 to a subscriber. The surcharge shall appear as a single
7 line item on a subscriber's periodic billing indicating that
8 the surcharge is for E911 emergency ~~telephone~~ communications
9 service. In the case of a prepaid wireless telephone
10 communications service or device, this surcharge shall be
11 remitted based upon the address associated with the point
12 of purchase, the customer billing address, or the location
13 associated with the mobile ~~telephone number~~ device for each
14 active prepaid wireless ~~telephone~~ device that has a sufficient
15 positive balance as of the last days of the information, if
16 that information is available.

17 (2) In compensation for the costs of billing and collection,
18 the ~~wireless~~ communications service provider may retain one
19 percent of the gross surcharges collected.

20 (3) The surcharges shall be remitted quarterly by the
21 ~~wireless~~ communications service provider to the program manager
22 for deposit into the fund established in subsection 2.

23 (4) A ~~wireless~~ communications service provider is not
24 liable for an uncollected surcharge for which the ~~wireless~~
25 communications service provider has billed a subscriber but
26 which has not been paid.

27 2. Moneys collected pursuant to subsection 1 shall be
28 deposited in a separate ~~wireless~~ E911 emergency communications
29 fund within the state treasury under the control of the program
30 manager. Section 8.33 shall not apply to moneys in the fund.
31 Moneys earned as income, including as interest, from the fund
32 shall remain in the fund until expended as provided in this
33 section. Moneys in the fund shall be expended and distributed
34 in the following priority order:

35 a. An amount as appropriated by the general assembly to

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1 the administrator shall be allocated to the administrator and
2 program manager for implementation, support, and maintenance of
3 the functions of the administrator and program manager and to
4 employ the auditor of state to perform an annual audit of the
5 wireless E911 emergency communications fund.

6 *b.* The program manager shall allocate twenty-one percent of
7 the total amount of surcharge generated to wireless carriers
8 to recover their costs to deliver wireless E911 phase 1
9 services. If the allocation in this paragraph is insufficient
10 to reimburse all wireless carriers for such carrier's eligible
11 expenses, the program manager shall allocate a prorated amount
12 to each wireless carrier equal to the percentage of such
13 carrier's eligible expenses as compared to the total of all
14 eligible expenses for all wireless carriers for the calendar
15 quarter during which such expenses were submitted. When
16 prorated expenses are paid, the remaining unpaid expenses shall
17 no longer be eligible for payment under this paragraph.

18 *c.* The program manager shall reimburse ~~wire-line carriers~~
19 communication service providers on a calendar quarter basis for
20 carriers' eligible expenses for transport costs between the
21 selective router and the public safety answering points related
22 to the delivery of wireless E911 phase 1 services.

23 *d.* The program manager shall reimburse wire-line
24 carriers and third-party E911 automatic location information
25 database providers on a calendar quarterly basis for the
26 costs of maintaining and upgrading the E911 components and
27 functionalities beyond the input to the E911 selective router,
28 including the E911 selective router and the automatic location
29 information database.

30 ~~*e.* The program manager shall apply an amount up to~~
31 ~~five hundred thousand dollars per calendar quarter to any~~
32 ~~outstanding wireless E911 phase 1 obligations incurred pursuant~~
33 ~~to this chapter prior to July 1, 2004.~~

34 ~~*f. e.* (1) The program manager shall allocate an amount up~~
35 ~~to one hundred fifty-nine thousand dollars per calendar quarter~~

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1 ~~equally to the joint E911 service boards and the department of~~
 2 ~~public safety that have submitted an annual written request to~~
 3 ~~the program manager in a form approved by the program manager~~
 4 ~~by May 15 of each year. The program manager shall allocate to~~
 5 each joint E911 service board and to the department of public
 6 safety a minimum of one thousand dollars per calendar quarter
 7 for each public safety answering point within the service area
 8 of the department of public safety or joint E911 service board
 9 that has submitted an annual written request to the program
 10 manager in a form approved by the program manager by May 15 of
 11 each year.

12 (2) ~~Upon retirement of outstanding obligations referred to~~
 13 ~~in paragraph "e", the~~ The amount allocated under this paragraph
 14 ~~"f" "e"~~ shall be twenty-five percent of the total amount of
 15 surcharge generated per calendar quarter allocated as follows:

16 (a) Sixty-five percent of the total dollars available for
 17 allocation shall be allocated in proportion to the square miles
 18 of the service area to the total square miles in this state.

19 (b) Thirty-five percent of the total dollars available for
 20 allocation shall be allocated in proportion to the wireless
 21 E911 calls taken at the public safety answering point in
 22 the service area to the total number of wireless E911 calls
 23 originating in this state.

24 (c) Notwithstanding subparagraph divisions (a) and (b), the
 25 minimum amount allocated to each joint E911 service board and
 26 to the department of public safety shall be no less than one
 27 thousand dollars for each public safety answering point within
 28 the service area of the department of public safety or joint
 29 E911 service board.

30 (3) The funds allocated in this paragraph ~~"f" "e"~~ shall
 31 be used for communication equipment located inside the public
 32 safety answering points for the implementation and maintenance
 33 of wireless E911 phase 2 services. ~~The joint E911 service~~
 34 ~~boards and the department of public safety shall provide an~~
 35 ~~estimate of phase 2 implementation costs to the program manager~~



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1 ~~by January 1, 2005.~~
 2 ~~g.~~ f. If moneys remain in the fund after fully paying
 3 all obligations under paragraphs "a" through ~~"f"~~ "e", the
 4 remainder may be accumulated in the fund as a carryover
 5 operating surplus. This surplus shall be used to fund
 6 future ~~phase-2~~ network and public safety answering point
 7 improvements, including hardware and software for an internet
 8 protocol-enabled next generation network, and wireless
 9 carriers' transport costs related to wireless E911 services, if
 10 those costs are not otherwise recovered by wireless carriers
 11 through customer billing or other sources and approved by the
 12 program manager. Notwithstanding section 8.33, any moneys
 13 remaining in the fund at the end of each fiscal year shall
 14 not revert to the general fund of the state but shall remain
 15 available for the purposes of the fund.
 16 ~~h.~~ g. The administrator, in consultation with the program
 17 manager and the E911 communications council, shall adopt
 18 rules pursuant to chapter 17A governing the distribution of
 19 the surcharge collected and distributed pursuant to this
 20 subsection. The rules shall include provisions that all joint
 21 E911 service boards and the department of public safety which
 22 answer or service wireless E911 calls are eligible to receive
 23 an equitable portion of the receipts.
 24 3. a. The program manager shall submit an annual
 25 report by January 15 of each year to the general assembly's
 26 standing committees on government oversight advising the
 27 general assembly of the status of E911 implementation and
 28 operations, including both wire-line and wireless services, the
 29 distribution of surcharge receipts, and an accounting of the
 30 revenues and expenses of the E911 program.
 31 b. The program manager shall submit a calendar quarter
 32 report of the revenues and expenses of the E911 program to the
 33 fiscal services division of the legislative services agency.
 34 c. The general assembly's standing committees on government
 35 oversight shall review the priorities of distribution of funds

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1 under this chapter at least every two years.

2 4. The amount collected from a wireless communications
3 service provider and deposited in the fund, pursuant to
4 section 22.7, subsection 6, information provided by a wireless
5 communications service provider to the program manager
6 consisting of trade secrets, pursuant to section 22.7,
7 subsection 3, and other financial or commercial operations
8 information provided by a wireless communications service
9 provider to the program manager, shall be kept confidential as
10 provided under section 22.7. This subsection does not prohibit
11 the inclusion of information in any report providing aggregate
12 amounts and information which does not identify numbers of
13 accounts or customers, revenues, or expenses attributable to an
14 individual wireless communications service provider.

15 ~~5. For purposes of this section, "wireless communications~~
16 ~~service" means commercial mobile radio service, as defined under~~
17 ~~sections 3(27) and 332(d) of the federal Telecommunications~~
18 ~~Act of 1996, 47 U.S.C. § 151 et seq.; federal communications~~
19 ~~commission rules; and the Omnibus Budget Reconciliation~~
20 ~~Act of 1993. "Wireless communications service" includes any~~
21 ~~wireless two-way communications used in cellular telephone~~
22 ~~service, personal communications service, or the functional or~~
23 ~~competitive equivalent of a radio telephone communications line~~
24 ~~used in cellular telephone service, a personal communications~~
25 ~~service, or a network access line. "Wireless communications~~
26 ~~service" does not include services whose customers do not~~
27 ~~have access to 911 or a 911-like service, a communications~~
28 ~~channel utilized only for data transmission, or a private~~
29 ~~telecommunications system.~~

30 Sec. 7. Section 34A.15, subsection 1, paragraph c, Code
31 Supplement 2011, is amended to read as follows:

32 c. One person appointed by the Iowa ~~association of chiefs of~~
33 ~~police and peace officers~~ association.

34 Sec. 8. REPEAL. Section 34A.6A, Code 2011, is repealed.

35

EXPLANATION

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1 This bill makes several changes regarding the provisions of
2 Code chapter 34A, relating to enhanced 911 emergency telephone
3 systems.

4 The bill modifies definitions applicable to the Code
5 chapter. The bill provides that a "communications service"
6 means a service capable of accessing, connecting with, or
7 interfacing with a 911 system by dialing, initializing, or
8 otherwise activating the system exclusively through the digits
9 911 by means of a local telephone device, cellular telephone
10 device, wireless communications device, or alternative means to
11 be designated by the homeland security and emergency management
12 division of the department of public safety by rule.

13 The bill provides that a "communications service provider"
14 means a service provider, public or private, that transports
15 information electronically via landline, wireless, internet,
16 cable, or satellite. The bill changes references to the
17 wireless communications surcharge contained in Code section
18 34A.7A to an "emergency communications service surcharge",
19 and adds a definition accordingly which references that Code
20 section.

21 The bill adds a definition of "wireless communications
22 service" to mean commercial mobile radio service, as defined
23 under specified federal legislation and rules, including any
24 wireless two-way communications used in cellular telephone
25 service, personal communications service, or the functional or
26 competitive equivalent of a radio-telephone communications line
27 used in cellular telephone service, a personal communications
28 service, or a network access line, and not including a service
29 whose customers do not have access to 911 or 911-like service,
30 a communications channel utilized only for data transmission,
31 or a private telecommunications system. The bill also adds a
32 definition of "wireless communications service provider" to
33 mean a company that offers commercial mobile radio service to
34 users of wireless devices including but not limited to cellular
35 telephone services, personal communications services, mobile

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1 satellite services, and enhanced specialized mobile radio. The
2 bill deletes a definition of "wireless communications service"
3 currently contained in Code section 34A.7A, subsection 5, as
4 being encompassed within the definitions added by the bill,
5 and also deletes a definition of "emergency 911 notification
6 device" which is not currently referred to within the Code
7 chapter.

8 The bill deletes a requirement that a state agency having
9 a public safety agency within its territory or jurisdiction
10 must participate in a joint E911 service board and cooperate in
11 maintaining the E911 service plan, but retains that requirement
12 with reference to political subdivisions.

13 The bill adds a reference to "wire-line" surcharges with
14 respect to the surcharge contained in Code section 34A.6, to
15 clarify that it applies to wire-line, rather than wireless,
16 communications and to promote consistency with the local
17 wire-line E911 service surcharge imposed pursuant to Code
18 section 34A.7. The bill deletes references to "telephone"
19 communications systems and surcharges contained in Code section
20 34A.7, in favor of the broader "emergency" communication
21 systems and surcharges.

22 The bill specifies that the emergency communication services
23 surcharge contained in Code section 34A.7A shall not be imposed
24 on wire-line-based communications, deletes references to
25 "telephone" devices and services contained in the Code section,
26 and deletes references to "wireless" communications service
27 providers and the "wireless" E911 emergency communications
28 fund. The bill increases the emergency communications service
29 surcharge from the current level of sixty-five cents per month
30 to one dollar per month, and repeals Code section 34A.6A, which
31 currently authorizes an alternative wire-line surcharge of up
32 to \$2.50 per month for a 24-month period.

33 The bill deletes a requirement that up to \$500,000 per
34 calendar quarter of surcharge funds shall be applied to
35 specified outstanding wireless E911 phase 1 obligations;

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1 deletes a requirement that up to \$159,000 per calendar quarter
2 shall be allocated equally to joint E911 service boards and the
3 department of public safety if annual written request forms
4 have been submitted; and qualifies that an allocation to each
5 service board and the department of public safety of a minimum
6 of \$1,000 per calendar quarter for each public safety answering
7 point must be pursuant to an annual written request. The bill
8 adds hardware and software for an internet protocol-enabled
9 next generation network to permissible uses of carryover
10 operating surplus moneys.

11 The bill additionally changes a current reference to the
12 Iowa association of chiefs of police and peace officers to the
13 Iowa peace officers association regarding appointments to the
14 E911 communications council.



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Senate File 2273 - Introduced

SENATE FILE 2273
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3114)

A BILL FOR

1 An Act providing for the licensing of polysomnographic
2 technologists and providing for a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 147.1, subsections 3 and 6, Code 2011,
 2 are amended to read as follows:

3 3. *“Licensed”* or *“certified”*, when applied to a physician
 4 and surgeon, podiatric physician, osteopathic physician and
 5 surgeon, physician assistant, psychologist, chiropractor,
 6 nurse, dentist, dental hygienist, dental assistant,
 7 optometrist, speech pathologist, audiologist, pharmacist,
 8 physical therapist, physical therapist assistant, occupational
 9 therapist, occupational therapy assistant, respiratory care
 10 practitioner, practitioner of cosmetology arts and sciences,
 11 practitioner of barbering, funeral director, dietitian, marital
 12 and family therapist, mental health counselor, polysomnographic
 13 technologist, social worker, massage therapist, athletic
 14 trainer, acupuncturist, nursing home administrator, hearing aid
 15 dispenser, or sign language interpreter or transliterator means
 16 a person licensed under this subtitle.

17 6. *“Profession”* means medicine and surgery, podiatry,
 18 osteopathic medicine and surgery, practice as a physician
 19 assistant, psychology, chiropractic, nursing, dentistry,
 20 dental hygiene, dental assisting, optometry, speech pathology,
 21 audiology, pharmacy, physical therapy, physical therapist
 22 assisting, occupational therapy, occupational therapy
 23 assisting, respiratory care, cosmetology arts and sciences,
 24 barbering, mortuary science, marital and family therapy, mental
 25 health counseling, polysomnography, social work, dietetics,
 26 massage therapy, athletic training, acupuncture, nursing home
 27 administration, hearing aid dispensing, or sign language
 28 interpreting or transliterating.

29 Sec. 2. Section 147.2, subsection 1, Code 2011, is amended
 30 to read as follows:

31 1. A person shall not engage in the practice of medicine
 32 and surgery, podiatry, osteopathic medicine and surgery,
 33 psychology, chiropractic, physical therapy, physical therapist
 34 assisting, nursing, dentistry, dental hygiene, dental
 35 assisting, optometry, speech pathology, audiology, occupational

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1 therapy, occupational therapy assisting, respiratory care,
2 pharmacy, cosmetology arts and sciences, barbering, social
3 work, dietetics, marital and family therapy or mental health
4 counseling, massage therapy, mortuary science, polysomnography,
5 athletic training, acupuncture, nursing home administration,
6 hearing aid dispensing, or sign language interpreting
7 or transliterating, or shall not practice as a physician
8 assistant, unless the person has obtained a license for that
9 purpose from the board for the profession.

10 Sec. 3. Section 147.13, subsection 18, Code 2011, is amended
11 to read as follows:

12 18. For respiratory care and polysomnographic technology,
13 the board of respiratory care.

14 Sec. 4. Section 147.14, subsection 1, paragraph o, Code
15 2011, is amended to read as follows:

16 o. For respiratory care, one licensed physician with
17 training in respiratory care, three respiratory care
18 practitioners who have practiced respiratory care for a
19 minimum of six years immediately preceding their appointment
20 to the board and who are recommended by the society for
21 respiratory care, three members who are licensed to practice
22 polysomnographic technology, and ~~one member~~ two members
23 not licensed to practice medicine, osteopathic medicine,
24 polysomnographic technology, or respiratory care who shall
25 represent the general public.

26 Sec. 5. Section 147.74, Code 2011, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 22A. A person who is licensed to engage
29 in the practice of polysomnography shall have the right to use
30 the title "polysomnographic technologist" or the abbreviation
31 "PSGT".

32 Sec. 6. NEW SECTION. 148F.1 **Definitions.**

33 As used in this chapter, unless the context otherwise
34 requires:

35 1. "*Board*" means the board of respiratory care established



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1 in chapter 147.

2 2. *“Direct supervision”* means that the polysomnographic
3 technologist providing supervision must be present where the
4 polysomnographic procedure is being performed and immediately
5 available to furnish assistance and direction throughout the
6 performance of the procedure.

7 3. *“General supervision”* means that the polysomnographic
8 procedure is provided under a physician’s overall direction and
9 control, but the physician’s presence is not required during
10 the performance of the procedure.

11 4. *“Physician”* means a person who is currently licensed in
12 Iowa to practice medicine and surgery or osteopathic medicine
13 and surgery and who is board certified in sleep medicine and
14 who is actively involved in the sleep medicine center or
15 laboratory.

16 5. *“Polysomnographic student”* means a person who is enrolled
17 in a commission on accreditation of allied health education
18 program or an equivalent program accredited by a nationally
19 recognized accrediting agency and who may provide sleep-related
20 services under the direct supervision of a polysomnographic
21 technologist as a part of the person’s educational program.

22 6. *“Polysomnographic technician”* means a person who has
23 graduated from a commission on accreditation of allied health
24 education program or equivalent program accredited by a
25 nationally recognized accrediting agency, but has not yet
26 passed an accepted national credentialing examination given by
27 a testing body that is accredited by a nationally recognized
28 accrediting agency, credentialed in one of the health-related
29 fields accepted by the board of registered polysomnographic
30 technologists, may provide sleep-related services under the
31 direct supervision of a licensed polysomnographic technologist
32 for a period of up to thirty days postgraduation while awaiting
33 credentialing examination scheduling and results.

34 7. *“Polysomnographic technologist”* means a person who is
35 credentialed by a nationally recognized accrediting agency

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1 and is licensed by the board to engage in the practice of
2 polysomnography under the general supervision of a physician.

3 8. *“Practice of polysomnography”* means as described in
4 section 148F.2.

5 9. *“Sleep-related services”* means acts performed by
6 polysomnographic technicians, polysomnographic students, and
7 other persons permitted to perform those services under this
8 chapter, in a setting described in this chapter that would be
9 considered the practice of polysomnography if performed by a
10 polysomnographic technologist.

11 Sec. 7. NEW SECTION. 148F.2 Practice of polysomnography.

12 The practice of polysomnography consists of but is not
13 limited to the following tasks as performed for the purpose of
14 polysomnography, under the general supervision of a licensed
15 physician:

16 1. Monitoring, recording, and evaluating physiologic
17 data during polysomnographic testing and review during the
18 evaluation of sleep-related disorders, including sleep-related
19 respiratory disturbances, by applying any of the following
20 techniques, equipment, or procedures:

21 a. Noninvasive continuous, bilevel positive airway pressure,
22 or adaptive servo-ventilation titration on spontaneously
23 breathing patients using a mask or oral appliance; provided,
24 that the mask or oral appliance does not extend into the
25 trachea or attach to an artificial airway.

26 b. Supplemental low-flow oxygen therapy of less than six
27 liters per minute, utilizing a nasal cannula or incorporated
28 into a positive airway pressure device during a polysomnogram.

29 c. Capnography during a polysomnogram.

30 d. Cardiopulmonary resuscitation.

31 e. Pulse oximetry.

32 f. Gastroesophageal pH monitoring.

33 g. Esophageal pressure monitoring.

34 h. Sleep stage recording using surface
35 electroencephalography, surface electrooculography, and surface



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- 1 submental electromyography.
2 *i.* Surface electromyography.
3 *j.* Electrocardiography.
4 *k.* Respiratory effort monitoring, including thoracic and
5 abdominal movement.
6 *l.* Plethysmography blood flow monitoring.
7 *m.* Snore monitoring.
8 *n.* Audio and video monitoring.
9 *o.* Body movement monitoring.
10 *p.* Nocturnal penile tumescence monitoring.
11 *q.* Nasal and oral airflow monitoring.
12 *r.* Body temperature monitoring.
13 2. Monitoring the effects that a mask or oral appliance
14 used to treat sleep disorders has on sleep patterns; provided,
15 however, that the mask or oral appliance shall not extend into
16 the trachea or attach to an artificial airway.
17 3. Observing and monitoring physical signs and symptoms,
18 general behavior, and general physical response to
19 polysomnographic evaluation and determining whether initiation,
20 modification, or discontinuation of a treatment regimen is
21 warranted.
22 4. Analyzing and scoring data collected during the
23 monitoring described in this section for the purpose of
24 assisting a physician in the diagnosis and treatment of sleep
25 and wake disorders that result from developmental defects,
26 the aging process, physical injury, disease, or actual or
27 anticipated somatic dysfunction.
28 5. Implementation of a written or verbal order from a
29 licensed physician to perform polysomnography.
30 6. Education of a patient regarding the treatment regimen
31 that assists the patient in improving the patient's sleep.
32 7. Use of any oral appliance used to treat sleep-disordered
33 breathing while under the care of a licensed polysomnographic
34 technologist during the performance of a sleep study, as
35 directed by a licensed dentist.

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1 Sec. 8. NEW SECTION. 148F.3 **Location of services.**

2 The practice of polysomnography shall take place only in a
3 facility that is accredited by a nationally recognized sleep
4 medicine laboratory or center accrediting agency; provided,
5 however, that the scoring of data and the education of patients
6 may take place in settings other than in a facility that is
7 accredited by a nationally recognized sleep medicine laboratory
8 or center accrediting agency.

9 Sec. 9. NEW SECTION. 148F.4 **Scope of chapter.**

10 Nothing in this chapter shall be construed to limit or
11 restrict a health care practitioner licensed in this state from
12 engaging in the full scope of practice of the individual's
13 profession. Respiratory therapists licensed in Iowa and
14 working within the scope of practice of their license as
15 provided in chapter 152B are exempt from this chapter.

16 Sec. 10. NEW SECTION. 148F.5 **Powers of the board.**

17 The board may do any of the following:

18 1. Promulgate rules necessary for the implementation and
19 administration of this chapter and the applicable provisions
20 of chapter 147.

21 2. Establish fees as provided in section 147.80.

22 3. Review and approve or reject the application of each
23 person who applies for licensure as a polysomnographic
24 technologist.

25 4. Issue all temporary permits and all approved licenses and
26 renewals of licenses.

27 5. Deny, suspend, revoke, restrict, or impose conditions
28 on a license, as the board deems necessary or appropriate at
29 the time a license is issued, renewed, or reinstated, or as a
30 sanction imposed at the conclusion of a disciplinary hearing.

31 6. Issue private advisory letter rulings to any person
32 licensed under this chapter who makes a request for a ruling
33 regarding any matter within the board's jurisdiction; provided,
34 however, that the ruling shall affect only the licensee making
35 the inquiry and shall have no precedential value for any other



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1 contested case or inquiry before the board or the committee.

2 7. Develop a code of ethics for the practice of
3 polysomnography.

4 8. Develop standards of care for the practice of
5 polysomnography.

6 9. Develop standards for the educational and clinical
7 training of polysomnographic technologists, including the
8 evaluation of the accreditation status of educational programs
9 in polysomnography.

10 10. Develop criteria for the evaluation of applications for
11 licensure submitted by polysomnographic technologists who are
12 licensed in other states.

13 11. Develop continuing education requirements for licensed
14 polysomnographic technologists.

15 Sec. 11. NEW SECTION. 148F.6 **Licensing requirement.**

16 1. a. Commencing January 1, 2013, a person who is engaged
17 in the practice of polysomnography shall be licensed as
18 provided in this chapter and it shall be unlawful for any
19 person to engage in the practice of polysomnography without
20 such license.

21 b. (1) Prior to January 1, 2013, a person who is engaged in
22 the practice of polysomnography without being licensed under
23 this chapter shall not be deemed to be in violation of this
24 chapter.

25 (2) A person who is engaged in the practice of
26 polysomnography on January 1, 2013, shall be eligible for
27 licensure under this chapter without meeting the educational
28 requirements of this section provided that the person meets
29 the requirements set out in this chapter. This person shall
30 meet or exceed the passing point of a nationally accepted
31 credentialing exam in polysomnographic technology by January
32 1, 2014.

33 2. A person seeking licensure as a polysomnographic
34 technologist shall be of good moral character, shall be at
35 least eighteen years of age, shall pay the fees established

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1 by the board for licensure, and shall present proof that the
2 person meets one of the following educational requirements:

3 *a.* Graduation from a polysomnographic educational program
4 that is accredited by the committee on accreditation of
5 polysomnographic technologist education or by a committee
6 on accreditation for the commission on accreditation of
7 allied health education programs, or an equivalent program as
8 determined by the board.

9 *b.* Graduation from a respiratory care educational program
10 that is accredited by the commission on accreditation
11 for respiratory care or by a committee on accreditation
12 for the commission on accreditation of allied health
13 education programs, and completion of the curriculum for a
14 polysomnographic certificate established and accredited by the
15 commission on accreditation of allied health education programs
16 as an extension of the respiratory care program.

17 *c.* Graduation from an electroneurodiagnostic technologist
18 educational program that is accredited by the committee
19 on accreditation for education in electroneurodiagnostic
20 technology or by a committee on accreditation for the
21 commission on accreditation of allied health education
22 programs, and completion of the curriculum for a
23 polysomnography certificate established and accredited by the
24 commission on accreditation of allied health education programs
25 as an extension of the electroneurodiagnostic education
26 program.

27 3. To be eligible for renewal of a license to engage in the
28 practice of polysomnography, a polysomnographic technologist
29 shall maintain that person's credential in compliance with
30 rules set forth by a national accredited certifying agency, as
31 adopted by the board in rule.

32 Sec. 12. NEW SECTION. 148F.7 **Persons exempt from licensing**
33 **requirement — temporary permit.**

34 1. The following persons may provide sleep-related services
35 without being licensed as a polysomnographic technologist under



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1 this chapter:

2 *a.* A polysomnographic technician may provide sleep-related
3 services under the general supervision of a physician for
4 a period of up to six months from the date of the person's
5 graduation from one of the accredited programs described in
6 section 148F.6. The board may in its sole discretion grant a
7 one-time extension of up to three months beyond this one-year
8 period.

9 *b.* A polysomnographic student may provide sleep-related
10 services under the direct supervision of a polysomnographic
11 technologist as a part of the person's educational program
12 while actively enrolled in a polysomnographic educational
13 program that is accredited by the commission on accreditation
14 of allied health education programs or an equivalent program as
15 determined by the board.

16 *c.* A person, other than a respiratory care practitioner
17 licensed under this chapter, credentialed in one of the
18 health-related fields accepted by the board of registered
19 polysomnographic technologists or another nationally
20 recognized accrediting agency, or a graduate of a commission on
21 accreditation of allied health educational program may provide
22 sleep-related services under direct supervision of a licensed
23 polysomnographic technologist for a period up to thirty
24 days postgraduation while awaiting credentialing examination
25 scheduling and results.

26 2. Before providing any sleep-related services, a
27 polysomnographic technician shall obtain a temporary permit
28 from the board. While providing sleep-related services, the
29 technician shall wear a badge that appropriately identifies the
30 person as a polysomnographic technician.

31 3. Before providing any sleep-related services, a person
32 who is obtaining clinical experience shall give notice to the
33 board that the person is working under the direct supervision
34 of a polysomnographic technologist in order to gain the
35 experience to be eligible to sit for a national certification

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1 examination. The person shall wear a badge that appropriately
2 identifies the person while providing such services.

3 4. Polysomnographic students shall not receive compensation
4 for the sleep-related services they provide and shall wear
5 badges that appropriately identify them as students.

6 Sec. 13. NEW SECTION. 148F.8 Issuance, retirement, and
7 renewal of licenses.

8 1. The board shall issue and renew licenses under this
9 chapter as provided by the board in rule.

10 2. A person who has been issued a license to practice under
11 this chapter who wishes to retire that license shall file with
12 the board an affidavit on a form to be furnished by the board
13 stating the date on which the person retired from practice
14 and other facts that verify the retirement as the board deems
15 necessary. Any such person who thereafter wishes to reenter
16 practice shall request reinstatement of licensure.

17 3. A license issued by the board under this chapter
18 shall contain the name and address of the person to whom it
19 is issued, the date and number of the license, and other
20 information that the board deems necessary.

21 a. The address contained on the license shall be the address
22 where all correspondence and renewal forms from the board shall
23 be sent.

24 b. Any person whose address changes shall, within thirty
25 days after the change in address, notify the board of the
26 address change. The most recent address contained in the
27 board's records for each license holder shall be the address
28 deemed sufficient for purposes of service of process.

29 4. A license shall either be prominently displayed in the
30 office or place in which the person practices or be stored in a
31 place from which it can be immediately produced upon request of
32 a patient or representative of the board.

33 5. A person whose license has been lost may make application
34 to the board for a replacement. The application shall be
35 accompanied by an affidavit setting out the facts concerning

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1 the loss of the original license.

2 Sec. 14. NEW SECTION. 148F.9 **Licensing sanctions.**

3 The board may impose sanctions for violations of this
 4 chapter as provided in chapters 147 and 272C.

5 Sec. 15. **INITIAL APPOINTMENTS.**

6 1. Initial appointments of polysomnographic technologists
 7 to the board of respiratory care pursuant to this Act shall be
 8 made as follows: two members shall be appointed to a term of
 9 three years and one member shall be appointed to a term of one
 10 year. Each regular appointment thereafter shall be for a term
 11 of three years.

12 2. The Iowa sleep society may submit a list of three
 13 names to the governor for each position to be filled by a
 14 polysomnographic technologist.

15 **EXPLANATION**

16 This bill requires the licensing of polysomnographic
 17 technologists and makes the provisions of Code chapters 147
 18 and 272C, including penalty and other regulatory provisions,
 19 applicable to other health professions applicable to the
 20 practice of polysomnography. Code section 147.86 provides
 21 that it is a serious misdemeanor to violate a provision of
 22 the licensing laws. The licensing program is administered
 23 and regulated by the board of respiratory care, with four new
 24 members added; three polysomnographic technologists and one
 25 additional public member, for a total of nine members.

26 A licensed polysomnographic technologist practices under
 27 the general supervision of a licensed physician, providing
 28 specifically enumerated services related to sleep disorders. A
 29 polysomnographic student enrolled in an approved educational
 30 program provides services under the direct supervision of a
 31 polysomnographic technologist.

32 The bill sets out educational standards and testing
 33 requirements, and provides for disciplinary actions.



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Senate File 2274 - Introduced

SENATE FILE 2274
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 27)

A BILL FOR

1 An Act providing for the licensure of persons who install
2 and maintain solar thermal systems and making penalties
3 applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 105.1, Code 2011, is amended to read as
2 follows:

3 **105.1 Title.**

4 This chapter may be known and cited as the *"Iowa Plumber,
5 Mechanical, Solar Thermal Professional, and Contractor Licensing
6 Act"*.

7 Sec. 2. Section 105.2, Code Supplement 2011, is amended by
8 adding the following new subsections:

9 NEW SUBSECTION. 18. *"Solar thermal professional"* means a
10 person whose services consist of the design, installation,
11 alteration, repair, maintenance, relocation, or replacement of
12 a solar thermal system.

13 NEW SUBSECTION. 19. *"Solar thermal system"* means panels
14 for solar heating systems and any appurtenances, apparatus, or
15 equipment used in connection with those systems.

16 Sec. 3. Section 105.3, subsection 1, Code 2011, is amended
17 to read as follows:

18 1. A plumbing, and mechanical, and solar thermal systems
19 board is created within the Iowa department of public health.

20 Sec. 4. Section 105.3, subsection 2, paragraphs a and b,
21 Code 2011, are amended to read as follows:

22 a. The board shall be comprised of ~~eleven~~ twelve members,
23 appointed by the governor, as follows:

24 (1) The director of public health or the director's
25 designee.

26 (2) The commissioner of public safety or the commissioner's
27 designee.

28 (3) One plumbing inspector.

29 (4) One mechanical inspector.

30 (5) A contractor who primarily works in rural areas.

31 (6) An individual licensed as a journeyperson plumber
32 pursuant to the provisions of this chapter or, for the initial
33 membership of the board, an individual eligible for such
34 licensure.

35 (7) An individual working as a plumbing contractor and



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1 licensed as a master plumber pursuant to the provisions of
2 this chapter or, for the initial membership of the board, an
3 individual eligible for such licensure.

4 (8) Two individuals licensed as journeyman mechanical
5 professionals pursuant to the provisions of this chapter or,
6 for the initial membership of the board, two individuals
7 eligible for such licensure.

8 (9) Two individuals licensed as master mechanical
9 professionals pursuant to the provisions of this chapter or,
10 for the initial membership of the board, two individuals
11 eligible for such licensure. One of these individuals shall be
12 a mechanical systems contractor.

13 (10) An individual licensed as a solar thermal professional
14 pursuant to the provisions of this chapter or, for the initial
15 appointment, an individual eligible for such licensure.

16 b. The board members enumerated in paragraph a "a",
17 subparagraphs (3) through ~~(9)~~ (10), are subject to confirmation
18 by the senate.

19 Sec. 5. Section 105.3, subsection 7, Code 2011, is amended
20 to read as follows:

21 7. The board may maintain a membership in any national
22 organization of state boards for the professions of
23 plumbing, HVAC, refrigeration, ~~or~~ hydronic, or solar thermal
24 professionals, with all membership fees to be paid from funds
25 appropriated to the board.

26 Sec. 6. Section 105.10, subsection 1, Code 2011, is amended
27 to read as follows:

28 1. Except as provided in section 105.11, a person shall
29 not operate as a contractor or install or repair plumbing,
30 HVAC, refrigeration, ~~or~~ hydronic, or solar thermal systems
31 without obtaining a license issued by the board, or install or
32 repair medical gas piping systems without obtaining a valid
33 certification approved by the board.

34 Sec. 7. Section 105.11, subsections 7 and 10, Code
35 Supplement 2011, are amended to read as follows:

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1 7. Require a helper engaged in general manual labor
2 activities while providing assistance to an apprentice,
3 journeyman, or master to obtain a plumbing, HVAC,
4 refrigeration, ~~or hydronic~~, or solar thermal license.
5 Experience as a helper shall not be considered as practical
6 experience for a journeyman license.

7 10. Apply to the employees of manufacturers, manufacturer
8 representatives, or wholesale suppliers who provide
9 consultation or develop plans concerning plumbing, HVAC,
10 refrigeration, ~~or hydronic~~, or solar thermal work, or who
11 assist a person licensed under this chapter in the installation
12 of mechanical, hydronic, solar thermal, or plumbing systems.

13 Sec. 8. Section 105.12, subsection 1, Code 2011, is amended
14 to read as follows:

15 1. A contracting, plumbing, HVAC, refrigeration, ~~or~~
16 hydronic, or solar thermal license shall be in the form of a
17 certificate under the seal of the department, signed by the
18 director of public health, and shall be issued in the name of
19 the board. The license number shall be noted on the face of the
20 license.

21 Sec. 9. Section 105.15, Code 2011, is amended to read as
22 follows:

23 **105.15 Registry of licenses.**

24 The name, location, license number, and date of issuance of
25 the license of each person to whom a license has been issued
26 shall be entered in a registry kept in the office of the
27 department to be known as the plumbing, HVAC, refrigeration,
28 ~~or hydronic~~, or solar thermal registry. The registry may be
29 electronic and shall be open to public inspection; however,
30 the licensee's home address, home telephone number, and
31 other personal information as determined by rule shall be
32 confidential.

33 Sec. 10. Section 105.16, Code 2011, is amended to read as
34 follows:

35 **105.16 Change of residence.**



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1 If a person licensed to practice as a contractor or a
 2 plumbing, HVAC, refrigeration, ~~or~~ hydronic, or solar thermal
 3 professional under this chapter changes the person's residence
 4 or place of practice, the person shall so notify the board.

5 Sec. 11. Section 105.17, subsection 1, paragraph b, Code
 6 2011, is amended to read as follows:

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

15 Sec. 12. Section 105.18, Code Supplement 2011, is amended by
 16 adding the following new subsection:

17 NEW SUBSECTION. 2A. *Solar thermal professional and*
 18 *contractor licenses.* The board shall issue separate licenses
 19 for solar thermal professionals and for contractors as follows:

20 *a.* Solar thermal professional. In order to be licensed
 21 by the board as a solar professional, a person shall file an
 22 application and pay application fees as established by the
 23 board. The application shall contain all of the following:

- 24 (1) Applicant's name and address.
- 25 (2) Applicant's business name.
- 26 (3) Proof of liability insurance.
- 27 (4) Proof of either North American board of certified energy
 28 practitioners solar thermal certification, or of completion of
 29 an Iowa community college forty hour solar thermal coursework
 30 and two training installations or other coursework and training
 31 as approved by the board.
- 32 (5) Any other information required by the board.

33 *b.* Contractor license. In order to be licensed by the board
 34 as a contractor, a person shall do all of the following:

- 35 (1) File an application and pay application fees as



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1 established by the board, which application shall provide the
2 person's state contractor registration number and establish
3 that the person meets the minimum requirements adopted by the
4 board.

5 (2) Maintain a permanent place of business.

6 (3) Hold a solar thermal professional license or employ at
7 least one person holding a solar thermal professional license
8 under this chapter.

9 Sec. 13. Section 105.19, subsection 2, Code 2011, is amended
10 to read as follows:

11 2. If the applicant is engaged in plumbing, HVAC,
12 refrigeration, ~~or hydronic~~, or solar thermal work individually
13 through a business conducted as a sole proprietorship, the
14 applicant shall personally obtain the insurance and surety
15 bond required by this section. If the applicant is engaged
16 in the plumbing, HVAC, refrigeration, ~~or hydronic~~, or solar
17 thermal business as an employee or owner of a legal entity,
18 then the insurance and surety bond required by this section
19 shall be obtained by the entity and shall cover all plumbing,
20 ~~or mechanical~~, or solar thermal work performed by the entity.

21 Sec. 14. Section 105.21, Code 2011, is amended to read as
22 follows:

23 **105.21 Reciprocal licenses.**

24 The board may license without examination a nonresident
25 applicant who is licensed under plumbing, HVAC, refrigeration,
26 ~~or hydronic~~, or solar thermal professional licensing statutes
27 of another state having similar licensing requirements as those
28 set forth in this chapter and the rules adopted under this
29 chapter if the other state grants the same reciprocal licensing
30 privileges to residents of Iowa who have obtained Iowa
31 plumbing, ~~or mechanical~~, or solar thermal professional licenses
32 under this chapter. The board shall adopt the necessary rules,
33 not inconsistent with the law, for carrying out the reciprocal
34 relations with other states which are authorized by this
35 chapter.



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1 Sec. 15. Section 105.22, unnumbered paragraph 1, Code 2011,
2 is amended to read as follows:

3 A license to practice as a contractor or as a plumbing, HVAC,
4 refrigeration, ~~or hydronic~~, or solar thermal professional may
5 be revoked or suspended, or an application for licensure may be
6 denied pursuant to procedures established pursuant to chapter
7 272C by the board, or the licensee may be otherwise disciplined
8 in accordance with that chapter, when the licensee commits any
9 of the following acts or offenses:

10 Sec. 16. Section 105.22, subsection 8, Code 2011, is amended
11 to read as follows:

12 8. Aiding and abetting a person who is not licensed pursuant
13 to this chapter in that person's pursuit of an unauthorized and
14 unlicensed plumbing, HVAC, refrigeration, ~~or hydronic~~, or solar
15 thermal professional practice.

16 Sec. 17. Section 105.25, subsections 1 and 3, Code 2011, are
17 amended to read as follows:

18 1. Only a person who is duly licensed pursuant to this
19 chapter may advertise the fact that the person is licensed
20 as a contractor or as a plumbing, HVAC, refrigeration, solar
21 thermal, or hydronic professional by the state of Iowa.

22 3. A person who fraudulently claims to be a licensed
23 contractor or a licensed plumbing, HVAC, refrigeration, solar
24 thermal, or hydronic professional pursuant to this chapter,
25 either in writing, cards, signs, circulars, advertisements, or
26 other communications, is guilty of a simple misdemeanor.

27 Sec. 18. Section 272C.1, subsection 6, paragraph ae, Code
28 2011, is amended to read as follows:

29 ae. The plumbing, ~~and mechanical~~, and solar thermal systems
30 board, created pursuant to chapter 105.

EXPLANATION

32 Iowa law (Code chapter 105) currently licenses persons
33 who design, install, and repair the HVAC, refrigeration, or
34 hydronic systems, or serve as contractors of such systems.
35 Licenses are available either individually or in combination.

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1 The profession is regulated by a licensing board under the
2 aegis of the department of public health.

3 This bill adds licenses for solar thermal professionals and
4 contractors to Code chapter 105. A solar thermal professional
5 is a person who designs, installs, alters, repairs, maintains,
6 relocates, or replaces a solar heating system and any apparatus
7 or equipment used in connection with the system. The bill adds
8 to the membership of the licensing board one person who is a
9 solar thermal professional.

10 Unlike plumbing, HVAC, refrigeration, and hydronic licenses,
11 licensure as a solar thermal professional is not broken into
12 apprentice, journeyman, or master categories. Licensure as
13 a solar thermal professional requires that the applicant:

- 14 1) Pay application fees as established by the board.
- 15 2) Meet the minimum educational and practical experience
16 requirements adopted by the board in rule.

17 Licensure as a solar thermal contractor requires that the
18 applicant:

- 19 1) Pay application fees as established by the board.
- 20 2) Provide the applicant's state contractor registration
21 number and meet the minimum requirements adopted by the board.
- 22 3) Maintain a permanent place of business.
- 23 4) Hold a solar thermal professional license or employ at
24 least one person holding a solar thermal professional license
25 under Code chapter 105.

26 Currently, a violation of Code chapter 105 is a simple
27 misdemeanor. A simple misdemeanor is punishable by confinement
28 for no more than 30 days or a fine of at least \$65 but not more
29 than \$625 or both. In addition, the board may impose a civil
30 penalty not to exceed \$5,000 per offense for certain violations
31 of Code chapter 105.



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Senate File 2275 - Introduced

SENATE FILE 2275
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3164)

A BILL FOR

1 An Act authorizing licensees authorized to conduct gambling
2 games on an excursion boat, gambling structure, or racetrack
3 enclosure to operate internet wagering on poker and making
4 penalties applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 99F.1, subsection 1, Code 2011, is
 2 amended to read as follows:

3 1. *Adjusted gross receipts* means the gross receipts less
 4 winnings paid to wagerers. For internet wagering, "adjusted
 5 gross receipts" means the gross receipts for internet wagering
 6 on poker from rake and tournament fees less winnings and player
 7 incentives paid to wagerers.

8 Sec. 2. Section 99F.1, Code 2011, is amended by adding the
 9 following new subsections:

10 NEW SUBSECTION. 16A. *Internet wagering* means a method of
 11 wagering by which a person may establish an account, deposit
 12 money into the account, and use the account balance for
 13 wagering by utilizing electronic communication.

14 NEW SUBSECTION. 16B. *Internet wagering operator* means
 15 a person who has entered into an operating agreement with a
 16 licensee or licensees to conduct internet wagering for an
 17 internet wagering licensee as authorized by this chapter.

18 NEW SUBSECTION. 19A. *Player incentives* means, for
 19 internet wagering, any bonuses, rewards, prizes, or other types
 20 of promotional items provided to a person engaging in internet
 21 wagering by an internet wagering licensee as an incentive to
 22 engage in internet wagering.

23 NEW SUBSECTION. 22. *Rake* means a set fee or percentage of
 24 the pot assessed by an internet wagering licensee for providing
 25 the internet wagering services to a person engaging in internet
 26 wagering for the right to participate in internet wagering.

27 NEW SUBSECTION. 23. *Tournament fee* means a set fee
 28 assessed to a person engaging in internet wagering by the
 29 internet wagering licensee for providing internet wagering
 30 tournament services.

31 Sec. 3. Section 99F.3, Code 2011, is amended to read as
 32 follows:

33 **99F.3 Gambling games authorized.**

34 The system of wagering on a gambling game as provided
 35 by this chapter is legal, when conducted on an excursion

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1 gambling boat, gambling structure, or racetrack enclosure at
 2 authorized locations by a licensee, or, for internet wagering,
 3 when conducted by an internet wagering licensee pursuant to
 4 requirements established by the commission, as provided in this
 5 chapter.

6 Sec. 4. Section 99F.4, subsections 14 and 22, Code 2011, are
 7 amended to read as follows:

8 14. To require, except for internet wagering, all licensees
 9 of gambling game operations to utilize a cashless wagering
 10 system whereby all players' money is converted to tokens,
 11 electronic cards, or chips which only can be used for wagering
 12 on the excursion gambling boat.

13 22. To require licensees to establish a process to allow a
 14 person to be voluntarily excluded for life from an excursion
 15 gambling boat and all other licensed facilities under this
 16 chapter and chapter 99D, or from engaging in internet wagering
 17 conducted by an internet wagering licensee under this chapter.
 18 For internet wagering licensees, the process shall allow
 19 players to limit the maximum amount of money that may be
 20 transferred by that player into an internet wagering account
 21 in a twenty-four-hour period. The process established shall
 22 require that a licensee disseminate information regarding
 23 persons voluntarily excluded to all licensees under this
 24 chapter and chapter 99D. The state and any licensee under
 25 this chapter or chapter 99D shall not be liable to any person
 26 for any claim which may arise from this process. In addition
 27 to any other penalty provided by law, any money or thing of
 28 value that has been obtained by, or is owed to, a voluntarily
 29 excluded person by a licensee as a result of wagers made by the
 30 person after the person has been voluntarily excluded shall not
 31 be paid to the person but shall be credited to the general fund
 32 of the state.

33 Sec. 5. Section 99F.4, Code 2011, is amended by adding the
 34 following new subsection:

35 NEW SUBSECTION. 27. To establish requirements for internet



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1 wagering licensees and internet wagering operators to conduct
2 internet wagering on poker as provided in this chapter. At
3 a minimum, the requirements shall include security measures
4 to insure the integrity of internet wagering and technical
5 standards governing the technology used to conduct internet
6 wagering. In addition, the requirements shall, subject to
7 reasonable conditions established by the commission, allow
8 persons who have registered with an internet wagering licensee
9 to engage in internet wagering with other persons, regardless
10 of location, to the extent permissible by law.

11 **Sec. 6. NEW SECTION. 99F.4E Internet wagering on poker —**
12 **licensing — requirements.**

13 1. Upon payment of the applicable internet wagering
14 license fee as determined by the commission and application
15 by a licensee authorized to conduct gambling games under this
16 chapter, the commission shall issue an internet wagering
17 license to the licensee, following a review of the applicant
18 and internet wagering operator in the manner provided in
19 section 99F.6, subject to the provisions of this chapter and
20 rules adopted pursuant to this chapter relating to gambling and
21 internet wagering. A single joint license to conduct internet
22 wagering may be issued to more than one licensee authorized to
23 conduct gambling games under this chapter if the application
24 includes an agreement delineating how each licensee subject to
25 the agreement shall distribute at least three percent of the
26 adjusted gross receipts from internet wagering on poker from
27 the joint license for each license year for educational, civic,
28 public, charitable, patriotic, or religious uses as defined
29 in section 99B.7, subsection 3, paragraph "b", as otherwise
30 required by this chapter. The issuance of a joint license to
31 conduct internet wagering by more than one licensee under this
32 chapter shall not be considered the issuance of a new license
33 under this chapter.

34 2. An internet wagering licensee shall comply with the
35 following requirements:

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1 *a.* Internet wagering shall be limited to wagering on poker
2 and all of its variations, including but not limited to Texas
3 hold 'em, Omaha hold 'em, draw poker, and stud poker.

4 *b.* Internet wagering shall be conducted by the licensee
5 through a single internet site.

6 *c.* Internet wagering shall be limited to only those persons
7 who have registered with the licensee to engage in internet
8 wagering. To register, a person shall provide sufficient
9 information to the licensee to verify that the person is at
10 least twenty-one years of age and is otherwise authorized to
11 engage in internet wagering in this state.

12 *d.* (1) If an internet wagering license is issued to one
13 licensee authorized to conduct gambling games under this
14 chapter, adjusted gross receipts received by the gambling games
15 licensee under this chapter from internet wagering each fiscal
16 year shall be added to the adjusted gross receipts received
17 by the licensee from gambling games other than from internet
18 wagering for purposes of imposing a tax on the adjusted gross
19 receipts received by the licensee as provided in section
20 99F.11.

21 (2) If a joint internet wagering license is issued to more
22 than one licensee authorized to conduct gambling games under
23 this chapter, the tax rate imposed on adjusted gross receipts
24 from internet wagering on poker each fiscal year pursuant to
25 section 99F.11 shall be twenty-two percent or, if a majority
26 of participating licensees on the joint license are otherwise
27 subject to a tax rate of twenty-four percent on adjusted gross
28 receipts from gambling games over three million dollars under
29 section 99F.11, twenty-four percent.

30 *e.* Any other requirements as the commission establishes
31 to ensure the legality and integrity of conducting internet
32 wagering in this state.

33 Sec. 7. Section 99F.6, subsection 1, unnumbered paragraph
34 1, Code Supplement 2011, is amended to read as follows:

35 A person shall not be issued a license to conduct gambling

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1 games on an excursion gambling boat or a license to operate
 2 an excursion gambling boat under this chapter, an internet
 3 wagering license, an occupational license, a distributor
 4 license, or a manufacturer license unless the person has
 5 completed and signed an application on the form prescribed and
 6 published by the commission. The application shall include
 7 the full name, residence, date of birth and other personal
 8 identifying information of the applicant, and internet wagering
 9 operator if applicable, that the commission deems necessary.
 10 The application shall also indicate whether the applicant,
 11 or internet wagering operator if applicable, has any of the
 12 following:

13 Sec. 8. Section 99F.7, subsection 1, Code Supplement 2011,
 14 is amended to read as follows:

15 1. If the commission is satisfied that this chapter and
 16 its rules adopted under this chapter applicable to licensees
 17 have been or will be complied with, the commission shall issue
 18 a license for a period of not more than three years to an
 19 applicant to own a gambling game operation, to an applicant to
 20 operate a gambling structure, ~~and~~ to an applicant to operate
 21 an excursion gambling boat, and to a gambling games licensee
 22 who submits an application to conduct internet wagering. The
 23 commission shall decide which of the gambling games authorized
 24 under this chapter the commission will permit. The commission
 25 shall decide the number, location, and type of gambling
 26 structures and excursion gambling boats licensed under this
 27 chapter. The commission shall allow the operation of an
 28 excursion boat or moored barge on or within one thousand feet
 29 of the high water marks of the rivers, lakes, and reservoirs
 30 of this state as established by the commission in consultation
 31 with the United States army corps of engineers, the department
 32 of natural resources, or other appropriate regulatory agency.
 33 The license shall set forth, as applicable, the name of the
 34 licensee, the type of license granted, the location of the
 35 gambling structure or the place where the excursion gambling

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1 boats will operate and dock, and the time and number of days
2 during the excursion season and the off season when gambling
3 may be conducted by the licensee.

4 Sec. 9. Section 99F.9, subsections 3 and 5, Code 2011, are
5 amended to read as follows:

6 3. The licensee may receive wagers only from a person
7 present on a licensed excursion gambling boat, licensed
8 gambling structure, or in a licensed racetrack enclosure, or
9 from a person engaging in internet wagering. An internet wager
10 may be placed from any location within this state or from
11 any other location where authorized by law, subject to any
12 requirements adopted by the commission.

13 5. A person under the age of twenty-one years shall not
14 engage in internet wagering or make or attempt to make a wager
15 on an excursion gambling boat, gambling structure, or in a
16 racetrack enclosure and shall not be allowed on the gaming
17 floor of an excursion gambling boat or gambling structure or
18 in the wagering area, as defined in section 99D.2, or on the
19 gaming floor of a racetrack enclosure. However, a person
20 eighteen years of age or older may be employed to work on
21 the gaming floor of an excursion gambling boat or gambling
22 structure or in the wagering area or on the gaming floor of a
23 racetrack enclosure. A person who violates this subsection
24 with respect to engaging in internet wagering or making or
25 attempting to make a wager commits a scheduled violation under
26 section 805.8C, subsection 5, paragraph "a".

27 Sec. 10. Section 99F.12, subsection 2, Code 2011, is amended
28 to read as follows:

29 2. The licensee shall furnish to the commission reports
30 and information as the commission may require with respect to
31 the licensee's activities. The gross receipts and adjusted
32 gross receipts from gambling shall be separately handled and
33 accounted for from all other moneys received from operation of
34 an excursion gambling boat or from operation of a racetrack
35 enclosure or gambling structure licensed to conduct gambling

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1 games. For an internet wagering licensee, the gross receipts
 2 and adjusted gross receipts from internet wagering shall be
 3 separately handled and accounted for from all other moneys
 4 received from other licensed activities of the licensee. The
 5 commission may designate a representative to board a licensed
 6 excursion gambling boat or to enter a racetrack enclosure or
 7 gambling structure licensed to conduct gambling games. The
 8 representative shall have full access to all places within the
 9 enclosure of the boat, the gambling structure, or the racetrack
 10 enclosure and shall directly supervise the handling and
 11 accounting of all gross receipts and adjusted gross receipts
 12 from gambling. The representative shall supervise and check
 13 the admissions. The compensation of a representative shall be
 14 fixed by the commission but shall be paid by the licensee.

15 Sec. 11. Section 99F.12, Code 2011, is amended by adding the
 16 following new subsection:

17 NEW SUBSECTION. 2A. a. An internet wagering licensee
 18 shall, in addition to the books and records otherwise required
 19 by this section, make the following information available to
 20 the commission upon request:

21 (1) Monthly auditable and aggregate financial statements of
 22 internet wagering transactions.

23 (2) Calculation of all fees payable to government.

24 (3) The identity of registered players.

25 (4) The balance on a registered player's account at the
 26 start of a session of play.

27 (5) The wagers placed on each game time stamped by the games
 28 server.

29 (6) The result of each game time stamped by the games
 30 server.

31 (7) The amount won or lost by a registered player.

32 (8) The balance on a registered player's account at the end
 33 of the game.

34 b. Information described in paragraph "a", subparagraphs (3)
 35 through (8), shall be confidential.

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1 Sec. 12. Section 99F.15, subsection 3, Code 2011, is amended
2 to read as follows:

3 3. A Except for internet wagering conducted as authorized
4 by this chapter, a person wagering or accepting a wager at
5 any location outside an excursion gambling boat, gambling
6 structure, or a racetrack enclosure is in violation of section
7 725.7.

8 Sec. 13. Section 99F.15, subsection 4, unnumbered paragraph
9 1, Code 2011, is amended to read as follows:

10 A person commits a class "D" felony and, in addition, shall
11 be barred for life from internet wagering, excursion gambling
12 boats, and gambling structures under the jurisdiction of the
13 commission, if the person does any of the following:

14 EXPLANATION

15 This bill permits licensees authorized to conduct gambling
16 games under Code chapter 99F to apply for and receive a license
17 to conduct internet wagering on poker.

18 Code section 99F.1, concerning definitions, is amended.
19 The bill defines "internet wagering" as a method of wagering
20 by which a person may establish an account, deposit money
21 into the account, and use the account balance for wagering by
22 utilizing electronic communication. The bill also defines
23 "internet wagering operator" as a person who has entered into
24 an agreement to conduct internet wagering for an internet
25 wagering licensee. The definition of "adjusted gross receipts"
26 is amended to mean, for internet wagering, the gross receipts
27 for internet wagering on poker from rake and tournament fees
28 less winnings and player incentives paid to wagerers. The
29 terms "player incentives", "rake", and "tournament fees", for
30 purposes of internet wagering, are also defined.

31 Code section 99F.4, concerning the powers of the state
32 racing and gaming commission, is amended to provide that the
33 commission shall establish requirements for internet wagering
34 and internet wagering licensees and operators. The Code
35 section is also amended to provide that the current process

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1 that allows a person to be voluntarily excluded from a gambling
2 facility shall also apply to internet wagering.
3 New Code section 99F.4E establishes the process for
4 licensing and conducting internet wagering. The bill
5 authorizes current gambling games licensees, upon payment of
6 a fee as determined by the racing and gaming commission, to
7 apply for an internet wagering license and allows more than one
8 existing licensee to jointly apply for an internet wagering
9 license. The bill provides that if more than one licensee
10 applies for a joint license, the licensees shall indicate
11 how the licensees shall distribute at least 3 percent of the
12 adjusted gross receipts from internet wagering on charitable
13 purposes. The bill provides that internet wagering shall be
14 limited to poker, shall be conducted through a single internet
15 site, and shall be limited to persons who have registered with
16 the licensee to conduct internet wagering. The bill provides
17 that if a single gambling games licensee is issued an internet
18 wagering license, the adjusted gross receipts from internet
19 wagering shall be included as part of the licensee's adjusted
20 gross receipts for purposes of applying the wagering tax
21 pursuant to Code section 99F.11. The bill further provides
22 that if a joint internet wagering license is issued to more
23 than one gambling games licensee, the wagering tax imposed on
24 adjusted gross receipts from internet wagering pursuant to
25 Code section 99F.11 shall be 22 percent or, if the majority of
26 participating licensees are otherwise subject to a wagering tax
27 of 24 percent under Code section 99F.11, 24 percent.
28 Code section 99F.6, concerning requirements for applications
29 for a license under Code chapter 99F, is amended to provide
30 that the requirements also apply to internet wagering operators
31 and applicants for an internet wagering license.
32 Code section 99F.9, concerning wagering, is amended to
33 provide that wagers through internet wagering are authorized
34 and can be made from any location within this state or as
35 authorized by law subject to any requirements adopted by the



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1 commission. The Code section is also amended to provide
2 that limits on wagering for persons under the age of 21 at
3 an excursion gambling boat, gambling structure, or racetrack
4 enclosure also apply to internet wagering.

5 Code section 99F.12, concerning licensee reporting
6 requirements, is amended to provide that an internet wagering
7 licensee shall separately account for the gross receipts and
8 adjusted gross receipts from internet wagering. The bill
9 also provides that an internet wagering licensee shall make
10 available to the racing and gaming commission information
11 concerning the identity and account balances of persons
12 engaging in internet wagering with the licensee as well as
13 information relative to individual poker games. The bill
14 provides that this information is confidential.

15 Code section 99F.15, concerning prohibited activities and
16 penalties, is amended to provide that a person who commits a
17 class "D" felony relative to certain activities relating to
18 gambling shall also be barred for life from internet wagering
19 in the same manner as the person would be barred from excursion
20 gambling boats and gambling structures.



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Senate File 2276 - Introduced

SENATE FILE 2276
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3163)

A BILL FOR

1 An Act concerning persons voluntarily excluded from gambling
2 facilities and providing an appropriation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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ec/nh



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S.F. 2276

1 Section 1. Section 99D.7, subsection 23, Code Supplement
2 2011, is amended to read as follows:

3 23. To require licensees to establish a process to allow
4 a person to be voluntarily excluded ~~for life~~ from a racetrack
5 enclosure and all other licensed facilities under this chapter
6 and chapter 99F as provided in this subsection. The process
7 shall provide that an initial request by a person to be
8 voluntarily excluded shall be for a period of five years or
9 life and a subsequent request following the five-year period
10 shall be for life. The process established shall also require
11 that a licensee disseminate information regarding persons
12 voluntarily excluded to all licensees under this chapter and
13 chapter 99F. The state and any licensee under this chapter or
14 chapter 99F shall not be liable to any person for any claim
15 which may arise from this process. In addition to any other
16 penalty provided by law, any money or thing of value that has
17 been obtained by, or is owed to, a voluntarily excluded person
18 by a licensee as a result of wagers made by the person after
19 the person has been voluntarily excluded shall not be paid
20 to the person but shall be credited to the general fund of
21 the state and transferred to the department of public health
22 for purposes of the gambling treatment program established in
23 section 135.150.

24 Sec. 2. Section 99F.4, subsection 22, Code 2011, is amended
25 to read as follows:

26 22. To require licensees to establish a process to allow a
27 person to be voluntarily excluded ~~for life~~ from an excursion
28 gambling boat and all other licensed facilities under this
29 chapter and chapter 99D as provided in this subsection. The
30 process shall provide that an initial request by a person to
31 be voluntarily excluded shall be for a period of five years or
32 life and a subsequent request following the five-year period
33 shall be for life. The process established shall also require
34 that a licensee disseminate information regarding persons
35 voluntarily excluded to all licensees under this chapter and



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1 and a subsequent request by that person after the five-year
2 period shall be for life. Under current law, a request to be
3 voluntarily excluded is for life.

4 The bill also provides that any moneys won by a person
5 voluntarily excluded that are forfeited and credited to the
6 general fund shall be transferred to the department of public
7 health for purposes of the gambling treatment program.

8 The bill also provides that for a person who has been
9 voluntarily excluded for life from a gambling facility prior to
10 the effective date of this bill, the person may reapply to have
11 the exclusion revoked if the person has been excluded for at
12 least five years. The bill provides that if a person revokes
13 their exclusion, a subsequent request for exclusion shall be
14 for life.



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Senate File 2277 - Introduced

SENATE FILE 2277
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 2089)

A BILL FOR

1 An Act concerning the authority of a liquor control licensee
2 to keep certain mixed drinks or cocktails on the licensed
3 premises.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2277

1 Section 1. Section 123.49, subsection 2, paragraph d, Code
 2 Supplement 2011, is amended to read as follows:
 3 *d.* (1) Keep on premises covered by a liquor control license
 4 any alcoholic liquor in any container except the original
 5 package purchased from the division, and except mixed drinks
 6 or cocktails mixed on the premises for immediate consumption
 7 on the licensed premises or as otherwise provided by this
 8 paragraph `d`". This prohibition does not apply to common
 9 carriers holding a class "D" liquor control license.
 10 (2) Mixed drinks or cocktails mixed on the premises that are
 11 not for immediate consumption may be consumed on the licensed
 12 premises subject to the requirements of this subparagraph
 13 pursuant to rules adopted by the division. The rules shall
 14 provide that the mixed drinks or cocktails be stored, for
 15 no longer than seventy-two hours, in a labeled container in
 16 a quantity that does not exceed three gallons. The rules
 17 shall also provide that added flavors and other nonbeverage
 18 ingredients included in the mixed drinks or cocktails shall not
 19 include added caffeine or other added stimulants including but
 20 not limited to guarana, ginseng, and taurine. In addition,
 21 the rules shall require that the licensee keep records as to
 22 when the contents in a particular container were mixed and the
 23 recipe used for that mixture.

24 EXPLANATION

25 This bill concerns the authority of a liquor control
 26 licensee to keep alcoholic liquor in any container except
 27 the original package purchased from the alcoholic beverages
 28 division of the department of commerce. Under current law,
 29 a liquor control licensee can only permit mixed drinks or
 30 cocktails mixed on the premises if they are for immediate
 31 consumption. The bill allows drinks or cocktails to be
 32 mixed on the premises and kept in a separate container of no
 33 more than three gallons for no longer than 72 hours. The
 34 bill also requires the alcoholic beverages division to adopt
 35 rules regarding the ability to mix drinks or cocktails and

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1 provides that the rules shall limit the ability to use certain
2 stimulants in the mixed drinks and require the licensee to keep
3 records of when the contents were mixed and the recipe used for
4 the mixture.



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Senate File 2278 - Introduced

SENATE FILE 2278
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 2204)

A BILL FOR

1 An Act establishing a public safety training and equipment
2 trust fund and providing for appropriations of moneys in the
3 fund.

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

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1 Section 1. NEW SECTION. 80B.11F Public safety training and
2 equipment trust fund.

3 1. A public safety training and equipment trust fund is
4 created in the state treasury under the control of the council.

5 2. The trust fund shall consist of moneys deposited in
6 the fund pursuant to section 432.1, subsection 7, and any
7 other devise, gift, bequest, donation, federal or other grant,
8 reimbursement, repayment, judgment, transfer, payment, or
9 appropriation from any source intended to be used for the
10 purposes of the trust fund. Of the moneys deposited in the
11 trust fund, an amount equal to ten percent of the moneys
12 deposited, or such lesser amount as determined by the council,
13 shall be allocated to a capital projects account for the
14 purposes of facility needs of the academy.

15 3. Moneys credited to the trust fund are not subject to
16 section 8.33 and shall not be transferred, used, obligated,
17 appropriated, or otherwise encumbered except as provided
18 in this section and for succeeding fiscal years shall
19 remain available for expenditure for purposes of the fund.
20 Notwithstanding section 12C.7, subsection 2, interest or
21 earnings on moneys deposited in the trust fund shall be
22 credited to the trust fund.

23 4. a. Moneys in the trust fund are appropriated to the
24 council and shall be expended upon a majority vote of the
25 council membership and used for training costs at the academy
26 incurred by a political subdivision of the state and for law
27 enforcement personnel equipment costs, excluding vehicles,
28 incurred by a political subdivision of the state. It is the
29 intent of the general assembly that all training costs incurred
30 by a political subdivision be reimbursed from moneys in the
31 trust fund and that such remaining moneys in the trust fund,
32 less such amount needed for cash flow purposes of the trust
33 fund, be used to reimburse law enforcement personnel equipment
34 costs in such manner as the council shall determine.

35 b. Moneys in the capital projects account of the trust fund

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1 are appropriated to the council and shall be expended upon a
 2 majority vote of the council membership and used for facility
 3 needs of the academy.

4 Sec. 2. Section 432.1, Code 2011, is amended by adding the
 5 following new subsection:

6 NEW SUBSECTION. 7. Of the amount of premium tax receipts
 7 collected pursuant to subsection 3 for the 2014 and subsequent
 8 calendar years and deposited in the general fund of the state,
 9 the department of revenue shall transfer thirty percent of such
 10 amount to the public safety training and equipment trust fund
 11 created in section 80B.11F.

12 EXPLANATION

13 This bill establishes a public safety training and equipment
 14 trust fund under the control of the Iowa law enforcement
 15 academy council. The trust fund shall consist of moneys
 16 deposited in the fund from premium tax receipts as provided by
 17 the bill. Of the moneys deposited in the fund, 10 percent,
 18 or such lesser amount as determined by the council, shall be
 19 allocated to a capital projects account of the trust fund and
 20 shall be used for facility needs of the Iowa law enforcement
 21 academy. The remaining moneys deposited in the fund shall be
 22 used for training costs at the academy and for law enforcement
 23 personnel equipment costs, excluding vehicles, all incurred
 24 by a political subdivision of the state. The bill provides
 25 that it is the intent of the general assembly that training
 26 costs incurred by a political subdivision be fully reimbursed
 27 from moneys in the fund and that the remaining moneys in the
 28 fund, less an amount needed for cash flow purposes, be used to
 29 reimburse law enforcement personnel equipment costs. Moneys
 30 in the fund shall not revert to the general fund of the state,
 31 and interest and earnings on moneys in the fund shall remain
 32 in the fund.

33 Code section 432.1, concerning tax on gross insurance
 34 premiums, is amended to provide that thirty percent of the
 35 moneys collected from premium tax receipts on insurance

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1 policies, other than life insurance policies, shall be
2 transferred to the public safety training and equipment trust
3 fund created by the bill beginning with premium tax receipts
4 received during calendar year 2014. Moneys deposited in the
5 trust fund are appropriated to the law enforcement academy
6 council for expenditure as provided in the bill.



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Senate File 2279 - Introduced

SENATE FILE 2279
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3124)

A BILL FOR

1 An Act relating to credit unions, including methods of
2 voting by credit union members and the board of directors,
3 electronic communications to certain credit union members,
4 the composition of the board of directors, assessment of
5 fees for examination and supervision, limited negotiated
6 disclosures of certain confidential information, treatment
7 of ownership shares, superintendent management authority,
8 individual development accounts held at credit unions
9 and other financial institutions, and making penalties
10 applicable.
11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 533.108, subsection 1, Code 2011, is
 2 amended to read as follows:

3 1. a. Records of the credit union division are public
 4 records subject to the provisions of chapter 22, except as
 5 otherwise provided in this chapter.

6 b. Papers, documents, writings, reports, reports of
 7 examinations and other information relating specifically to the
 8 supervision and regulation of a specific state credit union or
 9 of other persons by the superintendent pursuant to the laws of
 10 this state are not public records and shall not be open for
 11 examination or copying by the public or for examination or
 12 publication by the news media.

13 c. The superintendent or an employee of the credit
 14 union division shall not disclose ~~such~~ information relating
 15 specifically to the supervision and regulation of a specific
 16 state credit union or of other persons in any manner to any
 17 person other than the person examined, except as otherwise
 18 authorized by this section or section 533.113 or 533.308.

19 d. Notwithstanding the prohibition on disclosure pursuant to
 20 paragraph "c", the superintendent or an employee of the credit
 21 union division may disclose information relating specifically
 22 to the supervision and regulation of a specific state credit
 23 union or of other persons if the credit union or other person
 24 consents in writing to the disclosure and the persons to
 25 whom the disclosures are made are subject to, or agree to
 26 comply with, standards of confidentiality comparable to those
 27 contained in this chapter.

28 Sec. 2. Section 533.112, Code 2011, is amended to read as
 29 follows:

30 **533.112 Annual and individual fees — examination fees —**
 31 **delinquencies.**

32 1. Each state credit union shall pay an annual fee for
 33 examination and supervision as determined by the superintendent
 34 based on the actual cost of operating the credit union
 35 division.



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1 a. The cost of operating the credit union division shall
 2 include but not be limited to costs and expenses for salaries
 3 and benefits, expenses and travel for employees, office
 4 facilities, supplies, equipment, and administrative costs and
 5 expenses incurred in the discharge of the duties imposed on the
 6 superintendent under this chapter.

7 b. (1) The cost of operating the credit union division
 8 shall also include but not be limited to the costs incurred due
 9 to additional time and other division resources required for
 10 any of the following:

11 (a) Performing services for the credit union that are
 12 customarily performed by the credit union.

13 (b) Performing services related to a particular examination
 14 that exceed estimates for an individual credit union's
 15 examination based on factors including but not limited to the
 16 asset size of the credit union, the complexity of transactions
 17 to be examined, and the examination history of the credit
 18 union.

19 (2) An individual fee assessment for such costs incurred
 20 under this paragraph "b" may be made in addition to a credit
 21 union's annual fee.

22 c. The In establishing the structure of the fee schedule,
 23 the superintendent shall consider recommendations from the
 24 review board and from state credit unions in determining the
 25 amount of the annual fee.

26 d. The annual fee may be paid in one or more installments,
 27 as provided by rule by the superintendent.

28 2. Each state credit union, corporation, credit union
 29 service organization, or other person subject to an examination
 30 pursuant to section 533.113 shall pay an examination fee as
 31 determined by the superintendent, which shall reflect but not
 32 be limited to the time required for the examination and the
 33 costs of the examination. The superintendent shall establish
 34 by rule an examination fee schedule.

35 a. The costs of the examination shall include but not



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1 be limited to costs and expenses for salaries and benefits,
 2 expenses and travel for employees, office facilities, supplies,
 3 equipment, and administrative costs and expenses incurred in
 4 the discharge of duties imposed upon the superintendent under
 5 this chapter.

6 b. The examination fee shall be due within thirty days of
 7 presentation of the fee statement to the corporation, credit
 8 union service organization, or other person examined by the
 9 division.

10 3. In addition to the annual fee and examination fee
 11 assessed pursuant to this section, the division may also assess
 12 a credit union, credit union service organization, corporation,
 13 or other person subject to an examination pursuant to section
 14 533.133 for the expense of accountants, investigators, and
 15 other experts reasonably necessary to assist in the conduct of
 16 the examination, pursuant to section 533.113, subsection 1.

17 4. a. Failure of a state credit union, corporation, credit
 18 union service organization, or other person to pay a fee
 19 pursuant to subsection 1, ~~or 2,~~ or 3 shall result in the fee
 20 being considered delinquent and a penalty equal to five percent
 21 of the original fee may be assessed for each day or part of a
 22 day the payment remains delinquent.

23 b. A fee delinquency under this subsection by a corporation,
 24 credit union service organization, or other person may result
 25 in the superintendent collecting the delinquent fee and penalty
 26 from the state credit union owning shares or investments or
 27 having business transactions or a relationship with such
 28 corporation, credit union service organization, or other
 29 person.

30 c. A fee delinquency under this subsection may also
 31 constitute grounds for revocation of the certificate of
 32 approval of the credit union to operate in this state.

33 Sec. 3. Section 533.113, subsection 6, paragraph e, Code
 34 2011, is amended by striking the paragraph.

35 Sec. 4. Section 533.201, subsections 7 and 8, Code 2011, are



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1 amended to read as follows:

2 ~~7. Articles of incorporation may be amended by a favorable~~
 3 ~~vote of a majority of the members present at a meeting, if that~~
 4 ~~number constitutes a quorum and if the proposed amendment was~~
 5 ~~contained in the notice of the meeting.~~

6 ~~8. Bylaws~~ Articles of incorporation or bylaws may be amended
 7 by any of the following methods, upon a favorable vote of a
 8 majority of the board of directors selecting the method of
 9 voting:

10 a. The favorable vote of a majority of the members present
 11 at a meeting, if that number constitutes a quorum and if the
 12 proposed amendment was contained in the notice of the meeting.

13 b. The favorable vote of a majority of the members of the
 14 board.

15 c. By a majority vote of members voting by mailed or
 16 electronic ballot, ensuring the confidentiality of voters votes
 17 remain confidential and secret from all interested parties, and
 18 that each member is only allowed to vote once, according to
 19 procedures specified by rule of the superintendent, requiring
 20 at least twenty days' notice to all members or as specified
 21 in the bylaws. An announcement shall be made to members of
 22 the results of the vote. Ballots shall be preserved for a
 23 reasonable period of time following the vote.

24 d. A combination of procedures as specified in paragraphs
 25 "a" and "c", whereby members are allowed to vote either
 26 in person at a meeting or by mailed or electronic ballot,
 27 according to procedures specified by rule of the superintendent
 28 or as specified in the bylaws.

29 8. If the proposed amendment receives a favorable majority
 30 of the total votes cast in person and by mailed or electronic
 31 ballot under the method of voting selected under subsection 7,
 32 the articles of incorporation or bylaws shall be are amended as
 33 proposed. Notice shall be given to members of the results of
 34 the vote. Ballots of members shall be preserved for at least
 35 sixty days after the results are tallied and notice given to



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1 members, and until any challenge is resolved.

2 Sec. 5. Section 533.203, Code 2011, is amended to read as
3 follows:

4 533.203 Fiscal year — membership meetings — voting by
5 membership — notice.

6 1. The fiscal year of all state credit unions shall end
7 December 31.

8 2. Annual meetings shall be held, and special meetings may
9 be held, in the manner indicated in the bylaws.

10 a. ~~At all meetings, a~~ A member shall have one vote
11 regardless of the number of or class of shares held by the
12 member.

13 b. There shall be no voting by proxy.

14 c. A member other than a natural person may cast a single
15 vote through a delegated agent.

16 3. a. ~~The majority of members present at any meeting may~~
17 ~~vote to modify, amend, or reverse any act of the board of~~
18 ~~directors or instruct the board to take action not inconsistent~~
19 ~~with the articles, bylaws, or this chapter.~~

20 b. ~~In order to be binding upon the board of directors, any~~
21 ~~action taken by the membership to modify, amend, or reverse~~
22 ~~an act of the board, or to instruct the board to take action,~~
23 ~~requires an affirmative vote of a majority of all eligible~~
24 ~~members obtained by submitting the modification, amendment, or~~
25 ~~reversal to the members by mail or electronic ballot, pursuant~~
26 ~~to rules adopted by the superintendent. When a vote of the~~
27 membership is required under the provisions of this chapter,
28 the board of directors, by a favorable vote of the majority
29 of the board, shall select one of the following methods for
30 conducting that vote, unless a procedure for that vote is
31 otherwise specified:

32 (1) The favorable vote of a majority of the members present
33 at a meeting, if that number constitutes a quorum and if the
34 proposed vote was contained in the notice of the meeting.

35 (2) By a majority vote of members voting by mailed or



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1 electronic ballot according to procedures specified by rule of
 2 the superintendent or as specified in the bylaws.

3 (3) A combination of procedures as specified in
 4 subparagraphs (1) and (2), according to procedures specified by
 5 rule of the superintendent or as specified in the bylaws.

6 b. Notice shall be given to members of the results of the
 7 vote. Ballots of members shall be preserved for at least sixty
 8 days after the results are tallied and notice given to members,
 9 and until any challenge is resolved.

10 4. Votes of the membership conducted in accordance with
 11 this chapter shall ensure that votes remain confidential and
 12 secret from all interested parties, and that each member is
 13 only allowed to vote once.

14 5. When notice to members is required under the provisions
 15 of this chapter, the board of directors may satisfy the
 16 notice requirement by sending the notice electronically to
 17 those members who have exercised an option to receive notices
 18 electronically.

19 6. Credit unions may send account statements and other
 20 communications electronically to those members who have
 21 exercised an option to receive communications electronically.

22 **Sec. 6. NEW SECTION. 533.203A **Vote to modify, amend, or****
 23 **reverse act of board of directors — instruction to take action.**

24 1. The majority of members present at any meeting may vote
 25 to modify, amend, or reverse any act of the board of directors
 26 or instruct the board to take action not inconsistent with the
 27 articles, bylaws, or this chapter.

28 2. In order to be binding upon the board of directors, any
 29 action taken by the membership to modify, amend, or reverse
 30 an act of the board, or to instruct the board to take action,
 31 requires an affirmative vote of a majority of all eligible
 32 members obtained by submitting the modification, amendment,
 33 reversal, or instruction to the members for a vote, pursuant to
 34 the provisions of section 533.203.

35 **Sec. 7. Section 533.204, Code Supplement 2011, is amended**

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1 to read as follows:

2 **533.204 Election of board.**

3 1. At the organizational meeting, and at each annual meeting
 4 after initial organization, a board of directors of not less
 5 than nine members shall be elected to hold office for such.
 6 The board shall consist of at least seven members, but in every
 7 instance shall be composed of an odd number of directors. The
 8 directors shall serve staggered terms of three years, as the
 9 bylaws provide and, so that an approximately equal number of
 10 terms expire at each annual meeting. A director shall serve
 11 until successors are a successor is elected and qualified.

12 2. At each annual meeting, one member shall be elected to
 13 fill each position vacated by reason of an expiring term or
 14 other cause.

15 3. ~~Pursuant to rules adopted by the superintendent,~~
 16 ~~state credit unions may~~ The board of directors shall allow
 17 members to vote on the election of directors via electronic
 18 means including but not limited to the internet or telephone
 19 according to the provisions of section 533.203.

20 4. A record of the names and addresses of the directors,
 21 officers, and committee persons shall be filed with the
 22 superintendent within ten days following each election or any
 23 other change in the directors, officers, or committee persons.

24 5. ~~a. A state credit union wishing to maintain a board~~
 25 ~~of directors of less than nine members may apply to the~~
 26 ~~superintendent for permission to reduce the required number of~~
 27 ~~directors. An application to reduce the required number of~~
 28 ~~directors under this subsection must demonstrate both of the~~
 29 ~~following:~~

30 ~~(1) The application is necessitated by a hardship or other~~
 31 ~~special circumstance.~~

32 ~~(2) A lesser number of directors is in the best interest of~~
 33 ~~the state credit union and its members.~~

34 ~~b. In no event shall the superintendent allow a state credit~~
 35 ~~union to maintain fewer than seven directors on a state credit~~



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1 ~~union board.~~

2 Sec. 8. Section 533.205, subsection 2, paragraph b, Code
3 Supplement 2011, is amended to read as follows:

4 b. The board may also appoint alternate members of the
5 credit committee or the auditing committee.

6 Sec. 9. Section 533.208, subsection 3, Code 2011, is amended
7 to read as follows:

8 3. Suspend by ~~unanimous~~ majority vote any officer,
9 director, or member of the auditing committee ~~and call the~~
10 ~~members together to act on the suspension,~~ if the auditing
11 committee deems the action to be necessary to the proper
12 conduct of the state credit union. The suspension shall be
13 put to a vote of the membership, according to the provisions
14 of section 533.203. The members ~~at the meeting~~ may vote to
15 sustain the suspension and remove the officer, director, or
16 member permanently or may vote to reinstate the officer,
17 director, or member.

18 Sec. 10. Section 533.210, subsections 3, 4, and 6, Code
19 2011, are amended to read as follows:

20 3. Any member may withdraw from the state credit union
21 at any time, but advance notice of withdrawal of shares or
22 deposits may be required as provided in this section.

23 4. After deducting all amounts due from the member to
24 the state credit union and the amount necessary to honor
25 outstanding share drafts drawn against accounts of the member,
26 all amounts paid on shares or as deposits of an expelled or
27 ~~withdrawing~~ withdrawn member, along with accrued dividends and
28 interest to the date of expulsion or withdrawal, shall be paid
29 to that member.

30 6. ~~Withdrawing or expelled~~ Expelled or withdrawn members
31 shall have no further rights in the state credit union.
32 However, ~~withdrawing or expelled~~ or withdrawn members shall not
33 be released from any remaining liability to the state credit
34 union because of the expulsion or withdrawal.

35 Sec. 11. Section 533.213, subsection 3, paragraph f, Code

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1 2011, is amended to read as follows:

2 *f.* Sell all or part of its assets to another corporate
3 central credit union and assume the liabilities of a selling
4 corporate central credit union if the action is pursuant to a
5 plan agreed upon by a majority of the board of directors and,
6 in the case of the sale of all of its assets, the affirmative
7 vote of a majority of its members ~~either by mail or in person at~~
8 ~~a meeting called for that purpose~~ according to the provisions
9 of section 533.203.

10 Sec. 12. Section 533.302, Code 2011, is amended to read as
11 follows:

12 **533.302 Capital.**

13 1. The capital of a credit union shall consist of the
14 payments that have been made to it by the several members
15 thereof on shares. A credit union may charge an entrance fee
16 as may be provided by the bylaws.

17 2. A credit union may establish an equity share having a
18 par value not to exceed one hundred dollars which shall be
19 a part of the capital of the credit union and shall not be
20 withdrawn or transferred except upon ~~termination of expulsion~~
21 or withdrawal from membership in the credit union, as provided
22 in section 533.210.

23 3. At the option of the credit union, the equity share may
24 earn a dividend and may be insured.

25 Sec. 13. Section 533.307, Code 2011, is amended to read as
26 follows:

27 **533.307 Account insurance.**

28 Except as provided in section 533.302, subsection ~~2~~ 3, a
29 credit union organized under this chapter, as a condition
30 of maintaining its privilege of organization, shall acquire
31 and maintain insurance to protect each shareholder and each
32 depositor against loss of funds held on account by the credit
33 union. The insurance shall be obtained from the national
34 credit union administrator or from some other share guarantor
35 or insurance plan approved by the Iowa commissioner of



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1 insurance and the superintendent, provided that each credit
2 union shall acquire deposit insurance from the appropriate
3 agency of the federal government.

4 Sec. 14. Section 533.308, subsection 2, Code 2011, is
5 amended to read as follows:

6 2. The superintendent may furnish to any official of an
7 insurance plan by which the accounts of a state credit union
8 are insured or by which its employees and officials are bonded,
9 any information relating to examinations, investigations,
10 and reports of the status of that state credit union or
11 its employees and officials for the purpose of facilitating
12 the availability or continuation of the insurance or bond
13 of the state credit union or resolution of a claim. The
14 superintendent and the insurance company shall, whenever
15 possible, execute a confidentiality agreement regarding
16 the information provided by the superintendent that imposes
17 standards of confidentiality comparable to those required by
18 this chapter.

19 Sec. 15. Section 533.308, Code 2011, is amended by adding
20 the following new subsection:

21 NEW SUBSECTION. 3. A state credit union may furnish to
22 any official of an insurance plan by which the accounts of the
23 state credit union are insured or by which its employees and
24 officials are bonded, any information regarding transactions
25 of the state credit union, examinations, investigations,
26 or reports of the status of the state credit union or its
27 employees and officials for the purpose of facilitating the
28 availability or continuation of the insurance or bond of the
29 state credit union or resolution of a claim. The state credit
30 union and the insurance company shall, whenever possible,
31 execute a confidentiality agreement regarding the information
32 provided by the state credit union that imposes standards of
33 confidentiality comparable to those required by this chapter.

34 Sec. 16. Section 533.309, subsection 1, Code 2011, is
35 amended to read as follows:

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1 1. *Ownership share account.* The ownership share account
2 shall consist of an account balance held by the state credit
3 union in accordance with the state credit union's bylaws. Each
4 member may acquire only one ownership share. In the case of a
5 joint account, the joint account owners may acquire only one
6 ownership share unless each joint account owner applies for and
7 is accepted as an individual member. ~~The state credit union~~
8 ~~shall not set off fees against a member's ownership share.~~

9 Sec. 17. Section 533.325, subsection 1, Code 2011, is
10 amended to read as follows:

11 1. The directors, officers, committee members, and
12 employees of a state credit union shall hold in confidence all
13 information regarding transactions of the state credit union,
14 including information regarding transactions with its members
15 and their personal affairs, except to the extent necessary in
16 connection with making any of the following:

17 a. Making, extending, or collecting a loan or line of
18 credit, ~~guaranteeing.~~

19 b. Guaranteeing of member share drafts by third parties, ~~or~~
20 complying.

21 c. Communicating with an insurance company for the purpose
22 of facilitating the availability or continuation of the
23 insurance or bond of the state credit union or the resolution
24 of a claim, pursuant to section 533.308, subsection 3.

25 d. Pursuant to a confidentiality agreement that is executed
26 pursuant to section 533.108, subsection 1.

27 e. Complying with the examination of credit union records by
28 regulatory authorities ~~or compliance.~~

29 f. Compliance with an order from a court having jurisdiction
30 over the state credit union.

31 Sec. 18. Section 533.401, subsection 1, Code 2011, is
32 amended to read as follows:

33 1. With the approval of the superintendent, a state credit
34 union may merge with another credit union under the existing
35 certificate of approval of the other credit union if the merger



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1 is pursuant to a plan agreed upon by a majority of the board
2 of directors of each credit union joining in the merger and
3 the merger is approved by the affirmative vote of a majority
4 of the members of the merging credit union ~~either by mail or~~
5 ~~in person at a meeting called for the purpose of voting on the~~
6 ~~merger according to the provisions of section 533.203. At~~
7 least twenty days' notice shall be provided between the sending
8 of notice and the scheduled conclusion of the vote.

9 Sec. 19. Section 533.401, subsection 3, paragraph c, Code
10 2011, is amended to read as follows:

11 ~~c. At the meeting called to consider the merger, a~~ A
12 majority of the votes received, ~~by regular mail or in person,~~
13 ~~upon the question according to the method of voting selected~~
14 by the board of directors pursuant to section 533.203, were in
15 favor of the merger.

16 Sec. 20. Section 533.403, subsection 1, Code 2011, is
17 amended to read as follows:

18 1. A state credit union may convert into a federal credit
19 union with the approval of the administrator of the national
20 credit union administration and by the affirmative vote of
21 a majority of the credit union's members who vote on the
22 proposal, according to the provisions of section 533.203. ~~This~~
23 ~~vote, if taken, shall be at a meeting called for that purpose~~
24 ~~and shall be in the manner prescribed by the bylaws.~~

25 Sec. 21. Section 533.405, subsections 1, 2, and 6, Code
26 2011, are amended to read as follows:

27 1. ~~At a special meeting called for that purpose, a~~ A state
28 credit union may dissolve upon the affirmative vote of a
29 majority of its members eligible to vote ~~at the special meeting~~
30 according to the provisions of section 533.203. At least
31 twenty days' notice shall be provided between the sending of
32 notice and the scheduled conclusion of the vote.

33 ~~a. Notice of the meeting's purpose shall be contained in the~~
34 ~~meeting's notice.~~

35 ~~b. Any member eligible to vote and not present at the~~



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1 ~~meeting may, within twenty days after the date on which the~~
 2 ~~meeting was held, vote in favor of dissolution by signing a~~
 3 ~~statement in a form approved by the superintendent. This vote~~
 4 ~~shall have the same force and effect as if cast at the meeting.~~

5 2. *a.* The state credit union shall cease to do business
 6 except for the purposes of liquidation immediately upon ~~giving~~
 7 sending notice of the ~~special meeting called for the members'~~
 8 vote on dissolution.

9 *b.* The board of directors shall ~~immediately~~ notify the
 10 superintendent of the intention of the state credit union to
 11 dissolve within three business days of a vote by a majority of
 12 the board of directors in favor of dissolution, and prior to
 13 sending notice of the members' vote.

14 *c.* The state credit union shall not resume its regular
 15 business unless the dissolution fails to receive the required
 16 vote of the members or unless the members have revoked prior
 17 affirmative action to dissolve as provided for in subsection 6.

18 6. *a.* At any time prior to any distribution of its assets,
 19 a state credit union may revoke the voluntary dissolution
 20 proceedings by the affirmative vote of a majority of its
 21 members eligible to vote, according to the provisions of
 22 section 533.203. This vote, if taken, shall be at a special
 23 ~~meeting called for that purpose in the manner prescribed by the~~
 24 ~~bylaws.~~ At least twenty days' notice shall be provided between
 25 the sending of notice and the scheduled conclusion of the vote.

26 *b.* ~~The~~ Upon the conclusion of the vote, the board of
 27 directors shall immediately notify the superintendent of any
 28 such action to revoke voluntary dissolution proceedings.

29 Sec. 22. Section 533.502, subsection 2, Code 2011, is
 30 amended to read as follows:

31 2. *a.* The superintendent shall ~~thereafter~~ manage the
 32 property and business of the state credit union until such time
 33 as the superintendent may relinquish to the state credit union
 34 the management, upon such conditions as the superintendent
 35 may prescribe, or until the affairs of the state credit



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1 union are finally dissolved as provided in this chapter. The
 2 superintendent may operate and direct the affairs of the
 3 state credit union in its regular course of business. The
 4 superintendent may also collect amounts due the state credit
 5 union and do such other acts as are necessary or expedient to
 6 conduct the affairs of the state credit union and conserve or
 7 protect its assets, property, and business.

8 b. The superintendent may appoint one or more persons, with
 9 powers specified in the certificate of appointment, to assist
 10 the superintendent in the duty of management, conservation, or
 11 dissolution and distribution of the business and property of a
 12 state credit union.

13 c. During the period of the superintendent's management of
 14 the property and business of the state credit union, and prior
 15 to the time that the superintendent may apply to the district
 16 court for appointment as receiver, the superintendent may
 17 assess the state credit union for costs and expenses incurred
 18 by the division in the management of the state credit union.
 19 Costs and expenses shall include but not be limited to costs
 20 and expenses for salaries and benefits, expenses and travel
 21 for employees, office facilities, supplies, equipment, and
 22 administrative costs and expenses incurred in the management of
 23 the state credit union.

24 Sec. 23. 2009 Iowa Acts, chapter 169, section 4, subsection
 25 2, as amended by 2011 Acts, chapter 127, section 53, is amended
 26 to read as follows:

27 2. From the moneys appropriated in this section, there
 28 is transferred to the department of human rights two
 29 hundred fifty thousand dollars for deposit in the individual
 30 development account state match fund created in section 541A.7.
 31 Notwithstanding other provisions to the contrary in section
 32 541A.3, subsection 1, moneys appropriated to the individual
 33 development account state match fund under this subsection
 34 ~~shall~~ may be used to provide the state match to account holders
 35 affected by a natural disaster for which the president of



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1 the United States declared a disaster area, and who have a
2 household income that is equal to or less than three hundred
3 percent of the federal poverty level as defined by the most
4 recently revised poverty income guidelines published by the
5 United States department of health and human services.

6 **EXPLANATION**

7 This bill relates to matters under the purview of the credit
8 union division of the department of commerce.

9 The bill modifies provisions prohibiting disclosure of
10 confidential information pertaining to the supervision and
11 regulation of a specific state credit union or of other
12 persons. The bill provides that, notwithstanding the general
13 prohibition on disclosure, the superintendent of credit unions
14 or an employee of the credit union division may disclose
15 information relating specifically to the supervision and
16 regulation of a specific state credit union or of other persons
17 if the credit union or other person consents in writing to
18 the disclosure and the persons to whom the disclosures are
19 made are subject to, or agree to comply with, standards of
20 confidentiality comparable to those contained in Code chapter
21 533. The bill references Code sections 533.113 and 533.308
22 as constituting exceptions to the general prohibition. In
23 connection specifically to Code section 533.308, relating to
24 the furnishing to officials of an insurance plan and specified
25 information to facilitate the availability or continuation
26 of insurance or a bond, or the resolution of a claim, the
27 bill adds that the superintendent and the insurance company
28 shall, whenever possible, execute a confidentiality agreement
29 regarding the information provided by the superintendent.

30 The bill specifies that the annual fees referenced in Code
31 section 533.112 payable by state credit unions refer to one
32 annual fee relating to examination and supervision, based on
33 the actual cost of operating the credit union division. The
34 bill provides that the cost of operating the credit union
35 division shall include but not be limited to costs and expenses

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1 for salaries and benefits, expenses and travel for employees,
2 office facilities, supplies, equipment, and administrative
3 costs and expenses incurred in the discharge of the duties
4 imposed on the superintendent under Code chapter 533. The bill
5 provides that the cost of operating the credit union division
6 shall also include but not be limited to the costs incurred
7 due to additional time and other division resources required
8 for either performing services for the credit union that are
9 customarily performed by the credit union, or performing
10 services related to a particular examination that exceed
11 estimates for an individual credit union's examination based on
12 specified factors, and that an individual fee assessment for
13 such costs may be made in addition to a credit union's annual
14 fee. The bill states that the annual fee may be paid in one or
15 more installments, as provided by rule by the superintendent.
16 The bill also provides that a separate examination fee shall
17 be payable by a corporation, credit union service organization,
18 or other person subject to an examination pursuant to Code
19 section 533.113 in an amount determined by the superintendent,
20 which shall reflect but not be limited to the time required
21 for the examination and the costs of the examination. The
22 bill provides that the costs of the examination shall include
23 components similar to the previously referenced fee payable
24 by state credit unions including but not be limited to costs
25 and expenses for salaries and benefits, expenses and travel
26 for employees, office facilities, supplies, equipment, and
27 administrative costs and expenses incurred in the discharge
28 of duties imposed upon the superintendent. The bill provides
29 that this examination fee shall be due within 30 days of
30 presentation of the fee statement to the corporation, credit
31 union service organization, or other person examined by the
32 division. Further, the bill specifies that the assessment of a
33 credit union, credit union service organization, corporation,
34 or other person subject to an examination for the expense
35 of accountants, investigators, and other experts reasonably

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1 necessary to assist in the conduct of the examination, is
2 separate from and not included in the annual fee.
3 The bill deletes a provision in Code section 533.309
4 that prohibits credit unions from setting off fees against
5 a member's ownership share. The bill modifies provisions
6 contained in Code sections 533.210 and 533.302 relating to
7 withdrawing members providing advance notice of the withdrawal
8 of shares or deposits in the credit union, and referring to
9 expelled or withdrawn members.
10 The bill additionally coordinates voting procedures
11 throughout Code chapter 533 pursuant to modifications to
12 Code section 533.203. The bill provides that when a vote
13 is required, the board of directors of the credit union by
14 majority vote shall select one of several alternative methods
15 for conducting the vote, unless a procedure for a particular
16 vote is otherwise specified. The alternative methods include
17 by a vote of a majority of the members present at a meeting,
18 if that number constitutes a quorum and if the proposed vote
19 was contained in the notice of the meeting; by a majority vote
20 of members voting by mailed or electronic ballot according
21 to procedures specified by rule of the superintendent or
22 as specified in the bylaws; or by a combination of these
23 procedures as established by rule of the superintendent or
24 as specified in the bylaws. The bill provides that notice
25 shall be given to members of the results of the vote, and
26 that ballots of members shall be preserved for at least
27 60 days after the results are tallied and notice given to
28 members, and until any challenge is resolved. The bill
29 further provides that voting shall remain confidential and
30 secret from all interested parties, that each member is only
31 allowed to vote once, that the board of directors may satisfy
32 notice requirements by sending the notice electronically to
33 members who have opted to receive notices electronically,
34 and that credit unions may send account statements and
35 other communications electronically to members who opt to



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1 receive communications electronically. Comparable provisions
2 are included with reference to amending the articles of
3 incorporation or the bylaws of a credit union, provided a
4 majority of the board of directors votes to proceed with
5 such an amendment. Additionally, the bill relocates current
6 provisions regarding votes to modify, amend, reverse, or
7 instruct the board of directors contained in Code section
8 533.203 to a separate Code section 533.203A, and specifies
9 notice durations. The bill references the modified voting
10 procedures with regard to several forms of voting in Code
11 chapter 533, and provides applicable notice requirements.
12 The bill addresses elections of the board of directors,
13 modifying Code section 533.204 to refer to ongoing annual
14 meetings, as well as the initial election of the board.
15 Membership of the board is changed from not less than nine
16 members to consisting of at least seven members, serving
17 staggered terms of three years. The bill provides that the
18 board may appoint an alternate member of the credit union's
19 auditing committee, in addition to currently authorized
20 appointments to a credit committee; and changes the voting
21 requirements for suspensions of any officer, director, or
22 member of the auditing committee from a unanimous to a majority
23 vote.
24 The bill provides, with reference to management of a state
25 credit union by the superintendent under the extraordinary
26 circumstances specified in Code chapter 533, that the
27 superintendent may operate and direct the affairs of the state
28 credit union in its regular course of business, to collect
29 amounts due the state credit union, and do such other acts as
30 are necessary or expedient to conduct the affairs of the state
31 credit union and conserve or protect its assets, property,
32 and business. The bill authorizes the superintendent to
33 appoint one or more persons, with powers specified in the
34 certificate of appointment, to assist the superintendent in
35 the duty of management, conservation, or dissolution and

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1 distribution of the business and property of a state credit
2 union. Additionally, the bill provides that during the period
3 of the superintendent's management, and prior to the time
4 that the superintendent may apply to the district court for
5 appointment as receiver, the superintendent may assess the
6 state credit union for costs and expenses incurred by the
7 division in the management of the state credit union. These
8 costs and expenses shall include but not be limited to costs
9 and expenses for salaries and benefits, expenses and travel
10 for employees, office facilities, supplies, equipment, and
11 administrative costs and expenses incurred in the management of
12 the state credit union.

13 The bill deletes an outdated reference to the federal office
14 of thrift supervision.

15 Additionally, the bill amends a provision from disaster
16 assistance legislation enacted during the 2009 legislative
17 session which provided for the transfer to the department
18 of human rights of \$250,000 for deposit in an individual
19 development account state match fund. The moneys were required
20 to be utilized to provide a state match to account holders
21 affected by a natural disaster under specified circumstances.
22 The bill substitutes the word "may" for "shall" with regard to
23 this requirement.



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Senate File 2280 - Introduced

SENATE FILE 2280
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3158)

A BILL FOR

- 1 An Act relating to boiler inspections.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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je/sc



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1 Section 1. Section 89.3, subsection 5, paragraph a,
2 subparagraph (4), Code Supplement 2011, is amended to read as
3 follows:

4 (4) Either of the following:

5 (a) The owner or user is a participant in good standing in
6 the Iowa occupational safety and health voluntary protection
7 program and has achieved star status within the program, which
8 is administered by the division of labor in the department of
9 workforce development.

10 (b) The object is an unfired steam pressure vessel and is
11 part of or integral to the continuous operation of a process
12 covered by and compliant with the occupational safety and
13 health administration process safety management standard
14 contained in 29 C.F.R. § 1910.119 and the owner demonstrates
15 such compliance to a special inspector or the commissioner.
16 The unfired steam pressure vessel must also be included as
17 process safety management process equipment in the owner of
18 the unfired steam pressure vessel's process safety management
19 program.

20 EXPLANATION

21 This bill modifies the criteria for boilers or pressure
22 vessels which must be inspected by the labor commissioner or
23 a designee at least once each year externally while under
24 pressure and at least once every four years internally while
25 not under pressure, unless the commissioner determines an
26 earlier inspection is warranted.

27 One of the criteria is that the owner or user is a
28 participant in good standing in the Iowa occupational safety
29 and health voluntary protection program administered by the
30 division of labor in the department of workforce development
31 and has achieved star status within the program. The bill
32 provides an alternative to that criterion, which is that the
33 object is an unfired steam pressure vessel and is part of or
34 integral to the continuous operation of a process covered by
35 and compliant with the federal occupational safety and health

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1 administration's process safety management standard contained
2 in 29 C.F.R. § 1910.119 and the owner demonstrates such
3 compliance to a special inspector or the labor commissioner.
4 The object must also be included as process safety management
5 process equipment in the owner of the object's process safety
6 management program.



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Senate File 2281 - Introduced

SENATE FILE 2281
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 3049)

A BILL FOR

1 An Act relating to pollution prevention and waste management
2 assistance.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 455B.481, subsections 1 through 3, Code
2 2011, are amended to read as follows:

3 1. The purpose of this part is to promote the proper and
4 ~~safe storage, treatment, and disposal~~ management of solid,
5 hazardous, and low-level radioactive wastes in Iowa. The
6 ~~management of these wastes generated within Iowa is the~~
7 ~~responsibility of Iowans. It is the intent of the general~~
8 ~~assembly that Iowans assume this responsibility to the extent~~
9 ~~consistent with the protection of public health, safety, and~~
10 ~~the environment, and that Iowans insure that waste management~~
11 ~~practices, as alternatives to land disposal, including source~~
12 ~~reduction, recycling, compaction, incineration, and other forms~~
13 ~~of waste reduction, are employed.~~

14 2. ~~It is also the intent of the general assembly that a~~
15 ~~comprehensive waste management plan be established by the~~
16 ~~department which includes: the determination of need and~~
17 ~~adequate regulatory controls prior to the initiation of site~~
18 ~~selection; the process for selecting a superior site determined~~
19 ~~to be necessary; the establishment of a process for a site~~
20 ~~community to submit or present data, views, or arguments~~
21 ~~regarding the selection of the operator and the technology~~
22 ~~that best ensures proper facility operation; the prohibition~~
23 ~~of shallow land burial of hazardous and low-level radioactive~~
24 ~~wastes; the establishment of a regulatory framework for a~~
25 ~~facility; and the establishment of provisions for the safe~~
26 ~~and orderly development, operation, closure, postclosure, and~~
27 ~~long-term monitoring and maintenance of the facility.~~

28 3. 2. ~~In order to meet capacity assurance requirements~~
29 ~~of section 104k of the federal Superfund Amendments and~~
30 ~~Reauthorization Act of 1986, Pub. L. No. 99-499, and further~~
31 ~~the objectives of waste minimization, the The department,~~
32 ~~in cooperation with the small business assistance center at~~
33 ~~the university of northern Iowa, shall work with generators~~
34 ~~of hazardous wastes in the state to develop and implement~~
35 ~~aggressive waste minimization programs. The goal of these~~

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1 concentrating the waste before the release, handling, storage,
2 transport, treatment, or disposal of the waste.

3 Sec. 4. Section 455B.484, Code 2011, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 1A. Implement the waste management policy
6 provided in section 455B.481.

7 Sec. 5. Section 455B.484, subsections 2, 3, 4, 6, 7, 9, and
8 10, Code 2011, are amended by striking the subsections.

9 Sec. 6. Section 455B.484A, subsection 1, paragraph c, Code
10 2011, is amended to read as follows:

11 *c.* "Assistance program" means the ~~waste reduction assistance~~
12 pollution prevention program of the department or of the Iowa
13 waste reduction center for safe and economic management of
14 solid waste and hazardous substances conducted pursuant to
15 section 268.4.

16 Sec. 7. Section 455B.485, subsections 3 and 5, Code 2011,
17 are amended by striking the subsections.

18 Sec. 8. Section 455B.486, subsection 1, Code 2011, is
19 amended by striking the subsection.

20 Sec. 9. Section 455B.487, unnumbered paragraph 1, Code
21 2011, is amended to read as follows:

22 The commission shall adopt rules establishing criteria for
23 the identification of land areas or sites which are suitable
24 for the operation of facilities for the management of ~~hazardous~~
25 ~~and~~ low-level radioactive wastes. Upon request, the department
26 shall assist in locating suitable sites for the location of
27 a facility. The commission may purchase or condemn land to
28 be leased or used for the operation of a facility subject to
29 chapter 6A. Consideration for a contract for purchase of land
30 shall not be in excess of funds appropriated by the general
31 assembly for that purpose. The commission may lease land
32 purchased under this section to any person including the state
33 or a state agency. This section authorizes the state to own or
34 operate ~~hazardous waste facilities and~~ low-level radioactive
35 waste facilities, subject to the approval of the general



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1 assembly.

2 Sec. 10. Section 455B.487, unnumbered paragraph 11, Code
3 2011, is amended by striking the unnumbered paragraph.

4 Sec. 11. Section 455B.487, subsections 1 through 3, Code
5 2011, are amended by striking the subsections.

6 Sec. 12. NEW SECTION. **455B.810 Product stewardship —**
7 **report.**

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

15 2. The department shall use the report described in
16 subsection 1 to recommend a strategy that most efficiently
17 manages solid waste as classified according to product
18 or product category. The strategy shall at least include
19 recommendations for all of the following:

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

23 b. Increasing the recovery of materials for reuse or
24 recycling.

25 c. Reducing costs associated with solid waste management.

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

35 4. As part of its report, the department shall recommend the

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1 establishment of a product stewardship program that implements
 2 or improves upon the strategy developed by the department under
 3 this section, including by detailing any legislative proposals
 4 required for implementation or explaining the adoption of
 5 proposed rules under existing statutory authority.

6 Sec. 13. Section 455D.1, Code 2011, is amended by adding the
 7 following new subsection:

8 NEW SUBSECTION. 4A. "*Pollution prevention techniques*" means
 9 any of the following practices employed by the user of a toxic
 10 substance:

11 *a.* Input substitution, which is the replacement of a toxic
 12 substance or raw material used in a production process with a
 13 nontoxic or less toxic substance.

14 *b.* Product reformulation, which is the substitution of an
 15 end product which is nontoxic or less toxic upon use or release
 16 for an existing end product.

17 *c.* Production process redesign or modification, which is
 18 the development and use of production processes of a different
 19 design other than those currently in use.

20 *d.* Production process modernization, which is the upgrading
 21 or replacing of existing production process equipment or
 22 methods with other equipment or methods based on the same
 23 production process.

24 *e.* Improved operation and maintenance of existing production
 25 process equipment and methods, which is the modification or
 26 addition to existing equipment or methods, including but not
 27 limited to such techniques as improved housekeeping practices,
 28 system adjustments, product and process inspections, and
 29 production process control equipment or methods.

30 *f.* Recycling, reuse, or extended use of toxic substances by
 31 using equipment or methods that become an integral part of the
 32 production process.

33 Sec. 14. Section 455D.7, subsection 1, Code 2011, is amended
 34 to read as follows:

35 1. Unless otherwise specified in this chapter, adopt rules



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1 necessary to implement this chapter pursuant to chapter 17A.
 2 ~~Initial rules shall be adopted no later than April 1, 1992.~~
 3 Sec. 15. Section 455D.7, subsection 4, Code 2011, is amended
 4 by striking the subsection.
 5 Sec. 16. Section 455D.15, subsection 2, Code Supplement
 6 2011, is amended by striking the subsections and inserting in
 7 lieu thereof the following:
 8 2. The fund shall be utilized by the department for
 9 providing technical assistance to Iowa businesses in developing
 10 and implementing pollution prevention techniques.
 11 Sec. 17. Section 455D.15, subsection 3, Code Supplement
 12 2011, is amended by striking the subsection.
 13 Sec. 18. Section 455E.8, subsections 2 and 3, Code 2011, are
 14 amended by striking the subsections.
 15 Sec. 19. REPEAL. Sections 455B.516, 455B.517, and
 16 455B.518, Code 2011, are repealed.

EXPLANATION

18 This bill relates to pollution prevention and waste
 19 management assistance.
 20 The bill amends the waste management assistance provisions
 21 of Code chapter 455B by updating the waste management policy.
 22 The bill includes reuse and combustion with energy recovery in
 23 the pollution prevention hierarchy and removes incineration
 24 from the hierarchy.
 25 The bill includes a new definition for "pollution
 26 prevention" and uses the term to replace "hazardous waste
 27 management" and "waste reduction assistance". The bill
 28 eliminates references to hazardous waste throughout Code
 29 chapter 455B, division IV, part 9, including duties of
 30 the department of natural resources and the environmental
 31 protection commission relating to hazardous waste and the
 32 location, acquisition, and operation of hazardous waste
 33 management facilities.
 34 The bill requires the department to annually submit a
 35 product stewardship report to the general assembly to supply

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1 information identifying solid waste according to product or
2 product category. The department shall use the report to
3 recommend an efficient strategy for solid waste management
4 according to product or product category.

5 The bill eliminates many of the duties of the department in
6 relation to waste management and includes a new general duty to
7 implement the waste management policy.

8 The bill eliminates two duties of the environmental
9 protection commission in relation to waste management policy.
10 The duties relate to budget requests and approval of certain
11 contracts and agreements.

12 The bill eliminates a duty of the commission to recommend
13 to the general assembly, annually, the imposition of waste
14 abatement fees, rebates, and deposits.

15 The bill amends provisions related to the waste volume
16 reduction and recycling fund. The bill eliminates a
17 requirement that grants from the fund be awarded based on the
18 solid waste management hierarchy. The bill provides that the
19 fund shall be utilized for purposes of providing technical
20 assistance to Iowa businesses in developing and implementing
21 pollution prevention techniques.

22 The bill eliminates two duties of the director of the
23 department relating to groundwater reporting requirements.

24 The bill repeals Code sections 455B.516, 455B.517, and
25 455B.518, which relate to the toxics pollution prevention
26 program.



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Senate File 2282 - Introduced

SENATE FILE 2282
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 3001)

(COMPANION TO LSB 5443HV)

A BILL FOR

1 An Act concerning the definitions of "all-terrain vehicle"
2 and "off-road utility vehicle" for purposes of provisions
3 administered by the department of natural resources.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 321.1, subsection 4, Code Supplement
2 2011, is amended to read as follows:

3 4. *"All-terrain vehicle"* means a motor vehicle designed
4 to travel on three or more wheels and designed primarily for
5 off-road recreational use. *"All-terrain vehicle"* includes
6 off-road utility vehicles ~~as defined in section 321I.1~~, but
7 does not include farm tractors or equipment, construction
8 equipment, forestry vehicles, or lawn and grounds maintenance
9 vehicles.

10 Sec. 2. Section 321.1, Code Supplement 2011, is amended by
11 adding the following new subsection:

12 NEW SUBSECTION. 47A. *"Off-road utility vehicle"* means a
13 motorized flotation-tire vehicle with not less than four and
14 not more than eight low-pressure tires that is limited in
15 engine displacement to less than one thousand five hundred
16 cubic centimeters and in total dry weight to not more than one
17 thousand eight hundred pounds and that has a seat that is of
18 bucket or bench design, not intended to be straddled by the
19 operator, and a steering wheel or control levers for control.

20 Sec. 3. Section 321I.1, subsection 1, paragraph a, Code
21 2011, is amended to read as follows:

22 a. *"All-terrain vehicle"* means a motorized ~~flotation-tire~~
23 vehicle with not less than three and not more than six
24 ~~low-pressure nonhighway~~ tires that is limited in engine
25 displacement to less than one thousand cubic centimeters and in
26 total dry weight to less than one thousand two hundred pounds
27 and that has a seat or saddle designed to be straddled by the
28 operator and handlebars for steering control.

29 Sec. 4. Section 321I.1, subsection 16, paragraph a, Code
30 2011, is amended to read as follows:

31 a. *"Off-road utility vehicle"* means a motorized
32 ~~flotation-tire~~ vehicle with not less than four and not more
33 than eight ~~low-pressure nonhighway~~ tires that is limited in
34 engine displacement to less than one thousand five hundred
35 cubic centimeters and in total dry weight to not more than ~~one~~



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1 ~~two thousand eight hundred~~ pounds and that has a seat that is
2 of bucket or bench design, not intended to be straddled by the
3 operator, and a steering wheel or control levers for control.

4 EXPLANATION

5 This bill revises the definitions of "all-terrain vehicle"
6 and "off-road utility vehicle" for purposes of Code chapter
7 321I.

8 The definition of "all-terrain vehicle" is amended to
9 include vehicles with not less than three and not more than six
10 nonhighway tires. In addition, the revised definition limits
11 the engine displacement to less than 1,000 cubic centimeters,
12 limits the dry weight to less than 1,200 pounds, and retains
13 current requirements for a seat or saddle designed to be
14 straddled by the operator and handlebars for steering control.

15 The definition of "off-road utility vehicle" is amended to
16 include vehicles with not less than four and not more than
17 eight nonhighway tires. In addition, the revised definition
18 limits the engine displacement to less than 1,500 cubic
19 centimeters, limits the total dry weight to not more than 2,000
20 pounds, and retains current requirements for a bucket or bench
21 seat and a steering wheel or control levers.

22 The bill amends the current definition of "all-terrain
23 vehicle" and adds a definition of "off-road utility vehicle"
24 to Code chapter 321 so that, for purposes of motor vehicle
25 provisions administered by the department of transportation,
26 the definitions of those two terms remain as they are under
27 current law.



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Senate File 2283 - Introduced

SENATE FILE 2283
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 3052)

A BILL FOR

1 An Act relating to various recreation and conservation
2 activities under the purview of the department of natural
3 resources, providing for repeals, and making penalties
4 applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 461A.35, Code 2011, is amended to read
 2 as follows:

3 **461A.35 Prohibited destructive acts.**

4 1. It shall be unlawful for any person to use, enjoy
 5 the privileges of, destroy, injure, or deface plant life,
 6 trees, buildings, or other natural or material property, or
 7 to construct or operate for private or commercial purposes
 8 any structure, or to remove any plant life, trees, buildings,
 9 sand, gravel, ice, earth, stone, wood, or other natural
 10 material, or to operate vehicles, within the boundaries of
 11 any state park, preserve, or stream or any other lands or
 12 waters under the jurisdiction of the commission for any purpose
 13 whatsoever, except upon the terms, conditions, limitations, and
 14 restrictions as set forth by the commission.

15 2. A person who violates this section commits a simple
 16 misdemeanor, punishable as a scheduled violation pursuant to
 17 section 805.8B, subsection 6, paragraph "c".

18 Sec. 2. Section 461A.42, subsection 2, Code 2011, is amended
 19 to read as follows:

20 2. The use of fireworks, as defined in section 727.2, in
 21 state parks and preserves is prohibited except as authorized
 22 by a permit issued by the department. The commission shall
 23 establish, by rule adopted pursuant to chapter 17A, a fireworks
 24 permit system which authorizes the issuance of a limited number
 25 of permits to qualified persons to use or display fireworks in
 26 selected state parks and preserves.

27 3. A person violating this subsection section is guilty of a
 28 simple misdemeanor punishable as a scheduled violation pursuant
 29 to section 805.8B, subsection 6, paragraph "c". In addition
 30 to any other penalties, the punishment imposed for a violation
 31 of this subsection shall include assessment of a fine of not
 32 less than two hundred fifty dollars. The court shall order
 33 restitution if any damages were caused by the violation which
 34 may include, but is not limited to, community service.

35 Sec. 3. Section 461A.57, Code 2011, is amended to read as



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1 follows:

2 **461A.57 Penalties.**

3 Any person violating any of the provisions of sections
 4 ~~461A.35~~ 461A.36 to 461A.41, 461A.43, and 461A.45 to 461A.56 is
 5 guilty of a simple misdemeanor.

6 Sec. 4. Section 481A.1, subsection 7, Code 2011, is amended
 7 to read as follows:

8 7. "*Bait*" includes, but is not limited to, minnows, green
 9 sunfish, orange-spotted sunfish, gizzard shad, frogs, crayfish,
 10 and salamanders, ~~and mussels.~~

11 Sec. 5. Section 481A.6A, subsection 1, Code 2011, is amended
 12 to read as follows:

13 1. As used in this section, "*pen-reared pheasant*" means a
 14 Chinese ring-necked pheasant (*Phasianus colchicus torquatus*)
 15 which originates from a captive population and which has
 16 been propagated and held by a hatchery. For the purposes of
 17 this section "*pen-reared pheasant*" does not include a Reeves
 18 (*Syrmaticus reevesii*) or Lady Amherst (*Chrysolophus amherstiae*)
 19 pheasant, a subspecies of the Chinese ring-necked pheasant
 20 such as a Japanese (*Phasianus vesicolor*) or a Black-necked (*P.*
 21 *colchicus colchicus*) pheasant, or a melanistic mutant (black,
 22 white, or other color mix) of the Chinese ring-necked pheasant.

23 Sec. 6. NEW SECTION. **481A.17 Target shooting sports**
 24 **program.**

25 The department shall establish a target shooting sports
 26 program to promote recreational target shooting sports. The
 27 purposes of the program shall be to introduce more Iowans
 28 to target shooting sports, promote existing target shooting
 29 programs, provide more target shooting facilities, and improve
 30 existing target shooting facilities. The commission may adopt
 31 rules to achieve these purposes.

32 Sec. _____. Section 481A.131, Code 2011, is amended to read
 33 as follows:

34 **481A.131 Judgment — execution.**

35 1. In each case of conviction of unlawfully taking,



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1 catching, killing, injuring, destroying, or having in
 2 possession any fish, game, or fur-bearing animal, the court
 3 shall enter a judgment in favor of the state of Iowa for
 4 liquidated damages in an amount as provided in section
 5 481A.130, and it shall be the duty of the commission and
 6 the prosecuting attorney or attorney general, to collect the
 7 liquidated damages by execution or otherwise. If two or more
 8 persons who have acted together are convicted of the unlawful
 9 taking, catching, killing, injuring, destroying, or having
 10 possession of any fish, game, or fur-bearing animal, the
 11 judgment shall be entered against them jointly.

12 2. Any liquidated damages ~~received~~ assessed under this
 13 section and section 481A.130 shall be ~~remitted~~ paid to the
 14 clerk of court. The clerk of court shall remit the damages
 15 paid to the treasurer of state who department of natural
 16 resources. The department of natural resources shall credit
 17 such damages to the state fish and game protection fund.

18 3. The return of any uninjured fish, game, or fur-bearing
 19 animal which has been unlawfully taken, caught, or possessed,
 20 to the place where taken or caught or to any other place
 21 approved by the commission, shall constitute the discharge of
 22 any liquidated damages provided under section 481A.130.

23 4. Civil suits for the collection of judgments may be
 24 prosecuted by the attorney general or by county attorneys.

25 Sec. 7. Section 481A.142, subsection 5, paragraph a, Code
 26 2011, is amended to read as follows:

27 a. Sell bait, including minnows, and frogs, ~~and clams,~~
 28 propagated or raised within the licensed unit without having
 29 to obtain a bait dealer's license. However, aquaculture units
 30 wishing to take bait from areas other than their licensed units
 31 must also obtain a bait dealer's license.

32 Sec. 8. Section 481A.144, subsection 1, Code 2011, is
 33 amended to read as follows:

34 1. A person shall not sell minnows, frogs, crayfish, or
 35 ~~salamanders, and mussels~~ for fish bait without first obtaining



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1 a bait dealer's license from the department upon payment
2 of the license fee. A licensee shall comply with all laws
3 pertaining to taking, possessing, and selling of bait handled
4 by the licensee. If convicted of violating a provision of this
5 chapter or a rule adopted pursuant to this chapter, a licensee
6 shall forfeit the licensee's bait dealer license upon demand of
7 the director.

8 Sec. 9. Section 482.2, subsections 3, 7, 10, and 11, Code
9 2011, are amended to read as follows:

10 3. "*Commercial fisher*" means a person who is licensed by
11 the state to take, attempt to take, possess, transport, sell,
12 barter, or trade ~~turtles or turtle eggs~~, commercial fish except
13 roe species, or fish parts except roe. A commercial fisher may
14 take, possess, or transport turtles or turtle eggs, or sell,
15 barter, or trade turtles or turtle eggs to a commercial turtle
16 buyer.

17 7. "*Commercial roe harvester*" means a person who is licensed
18 by the state to engage in the harvest and sale, barter, or
19 trade of roe and roe species to a commercial roe buyer.

20 10. "*Commercial turtle harvester*" means a person who is
21 licensed by the state to take, attempt to take, possess, or
22 transport commercial turtles or turtle eggs, and sell, barter,
23 or trade commercial turtles or turtle eggs to a commercial
24 turtle buyer.

25 11. "*Commercial turtle harvesting*" means taking, attempting
26 to take, possessing, or transporting of commercial turtles or
27 turtle eggs for the purpose of selling, bartering, trading,
28 offering, or exposing for sale commercial turtles or turtle
29 eggs to a commercial turtle buyer.

30 Sec. 10. Section 482.4, subsection 3, Code 2011, is amended
31 to read as follows:

32 3. Commercial fishers and commercial turtle harvesters
33 shall ~~purchase gear tags from the commission to be affixed~~
34 provide and affix weather-resistant gear tags to each piece
35 of gear in use. ~~Notwithstanding the fee rates for gear tags~~

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1 ~~under subsection 6, the minimum fee is five dollars. All~~
 2 ~~tags are valid for ten years from the date of issue. In~~
 3 ~~addition to the gear tags, all gear shall be tagged with a Each~~
 4 ~~weather-resistant gear tag showing shall plainly show the name~~
 5 ~~and, address, and commercial license number of the licensee and~~
 6 whether the gear is fish or turtle gear.

7 Sec. 11. Section 482.4, subsection 4, Code 2011, is amended
 8 by striking the subsection.

9 Sec. 12. Section 482.4, subsection 6, Code 2011, is amended
 10 by striking the subsection and inserting in lieu thereof the
 11 following:

12 6. Commercial fish and turtle gear tags are required on the
 13 following units of commercial gear:

- 14 a. Seine.
- 15 b. Trammel net.
- 16 c. Gill net.
- 17 d. Entrapment nets.
- 18 e. Commercial trotline.
- 19 f. Commercial turtle trap.

20 Sec. 13. Section 482.4, subsection 7, Code 2011, is amended
 21 by striking the subsection.

22 Sec. 14. Section 482.11, subsection 1, paragraph a, Code
 23 2011, is amended to read as follows:

24 a. A commercial turtle harvester license is required
 25 to operate commercial gear and to take, attempt to take,
 26 possess, or transport commercial turtles or turtle eggs, or
 27 sell, barter, or trade commercial turtles or turtle eggs to
 28 a commercial turtle buyer. Nonresident commercial turtle
 29 harvesters shall harvest commercial turtles only from the
 30 boundary waters.

31 Sec. 15. Section 482.14, subsection 3, Code 2011, is amended
 32 to read as follows:

33 3. Commercial turtle harvesters shall utilize a dated
 34 receipt with at least two parts, with one original and one
 35 copy of each receipt, that contains the species, number, and



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1 pounds of turtles sold, bartered, or traded. Commercial turtle
2 harvesters shall retain a copy of each receipt for five years
3 following the transaction. A purchaser of commercial turtles
4 shall retain a copy of the receipt for as long as the purchaser
5 is in possession of the turtles.

6 Sec. 16. Section 483A.1, subsection 2, paragraph s, Code
7 2011, is amended by striking the paragraph.

8 Sec. 17. Section 805.8B, subsection 6, paragraph c, Code
9 2011, is amended to read as follows:

10 c. For violations of ~~section~~ sections 461A.35, 461A.42, and
11 461A.44, the scheduled fine is fifty dollars.

12 Sec. 18. REPEAL. Chapter 568, Code and Code Supplement
13 2011, is repealed.

EXPLANATION

14
15 This bill relates to various recreation and conservation
16 activities under the purview of the department of natural
17 resources, provides for repeals, and makes penalties
18 applicable.

19 Code section 461A.35 is amended to provide that a person who
20 commits certain destructive acts on state parks, preserves,
21 or other lands or waters under the control of the natural
22 resource commission commits a simple misdemeanor, punishable
23 as a scheduled violation with a fine of \$50 pursuant to Code
24 section 805.8B(6)(c). Currently, such an offense is punishable
25 as a simple misdemeanor.

26 Code section 461A.42(2) is amended to provide that a
27 person who violates prohibitions against the use of firearms,
28 explosives, weapons, and fireworks in state parks and
29 preserves commits a simple misdemeanor, punishable as a
30 scheduled violation with a fine of \$50 pursuant to Code
31 section 805.8B(6)(c). Currently, a violation of the weapon and
32 firearms prohibitions is punishable as a simple misdemeanor.
33 A violation of the fireworks prohibition is punishable
34 as a simple misdemeanor with a minimum fine of \$250 and a
35 requirement of restitution if any damages were caused by the

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1 violation, which may include but is not limited to community
2 service.

3 Code section 461A.57 is amended to coordinate with the
4 changes to 461A.35 and 461A.42.

5 Code section 481A.1(7) is amended to remove mussels from the
6 definition of bait.

7 Code section 481A.6A(1) is amended to specify that a
8 "pen-reared pheasant" that can be obtained by owners or tenants
9 of land from a hatchery and raised or released on that person's
10 land includes only a Chinese ring-necked pheasant and does not
11 include other specified types of pheasants.

12 New Code section 481A.17 authorizes the department to
13 establish a target shooting sports program to promote
14 recreational target shooting sports and to adopt rules to
15 achieve the specified purposes of the program.

16 Code section 481A.131 is amended to remove a requirement
17 that the natural resource commission and the prosecuting
18 attorney or attorney general collect liquidated damages
19 collectible upon a conviction of unlawful taking, catching,
20 killing, injuring, destroying, or possessing fish, game, or
21 fur-bearing animals. Instead, any liquidated damages assessed
22 shall be paid to the clerk of court and remitted to the
23 department of natural resources and credited to the state fish
24 and game protection fund.

25 Code section 481A.142 is amended to provide that a holder of
26 an aquaculture unit license cannot sell clams as bait.

27 Code section 481A.144 is amended to provide that a licensed
28 bait dealer cannot sell mussels for fish bait.

29 Code section 482.2 is amended to provide that a licensed
30 commercial fisher is allowed to sell, barter, or trade turtles
31 or turtle eggs to a commercial turtle buyer, a licensed
32 commercial roe harvester is allowed to sell, barter, or trade
33 roe and roe species to a commercial roe buyer, and a licensed
34 commercial turtle harvester is allowed to sell, barter, or
35 trade commercial turtles or turtle eggs to a commercial turtle

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1 buyer.

2 Code section 482.4(3) is amended to require commercial
3 fishers and commercial turtle harvesters to provide and
4 affix weather-resistant gear tags to each piece of gear in
5 use instead of purchasing the tags from the natural resource
6 commission. Each gear tag must plainly show the name, address,
7 and commercial license number of the licensee and whether the
8 gear is fish or turtle gear.

9 Code section 482.4(4) providing that all numbered fish gear
10 tags are interchangeable among the different types of gear is
11 stricken.

12 Code section 482.4(6) and (7) are amended to delete fees for
13 gear tags required on the specified units of commercial gear.

14 Code section 482.11(1)(a) is amended to provide that a
15 commercial turtle harvester licensee can sell, barter, or trade
16 commercial turtles or turtle eggs to a commercial turtle buyer.

17 Code section 483A.1(2)(s) providing for the sale of a
18 falconry license to nonresidents is stricken.

19 Code chapter 568, which authorizes the sale of certain
20 islands and abandoned river channels, is repealed.



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Senate File 2284 - Introduced

SENATE FILE 2284
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3171)

A BILL FOR

1 An Act relating to programs and activities under the purview of
2 the department of education, the state board of education,
3 the board of educational examiners, the state board of
4 regents, school districts, and accredited nonpublic schools.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 the competencies ordinarily included in the regular course.

2 DIVISION II

3 CORE CURRICULUM FRAMEWORK AND CORE CONTENT STANDARDS

4 Sec. 4. Section 256.7, subsection 26, paragraph a, Code
 5 Supplement 2011, is amended to read as follows:

6 a. Adopt rules that establish a core curriculum and high
 7 school graduation requirements for all students in school
 8 districts and accredited nonpublic schools that include at a
 9 minimum satisfactory completion of four years of English and
 10 language arts, three years of mathematics, three years of
 11 science, and three years of social studies.

12 (1) The rules establishing high school graduation
 13 requirements shall authorize a school district or
 14 accredited nonpublic school to consider that any student who
 15 satisfactorily completes a high school-level unit ~~of English~~
 16 ~~or language arts, mathematics, science, or social studies~~ has
 17 satisfactorily completed a unit of the high school graduation
 18 requirements for that area as specified in this ~~lettered~~
 19 paragraph "a", and shall authorize the school district or
 20 accredited nonpublic school to issue high school credit for the
 21 unit to the student.

22 (2) The rules establishing a core curriculum shall address
 23 the core content standards in subsection 28 and the skills and
 24 knowledge students need to be successful in the twenty-first
 25 century. ~~The core curriculum shall include, including but not~~
 26 limited to English and language arts, mathematics, science,
 27 social studies and twenty-first century learning skills which
 28 include but are not limited to, music and other fine arts,
 29 applied arts, foreign languages, physical education, character
 30 education, entrepreneurship education, civic literacy,
 31 health literacy, technology literacy, financial literacy, and
 32 employability skills; and shall address the curricular needs of
 33 students in kindergarten through grade twelve in those areas.
 34 The department shall further define the twenty-first century
 35 learning skills components by rule.

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1 Sec. 5. Section 256.9, subsection 53, Code Supplement 2011,
2 is amended to read as follows:

3 53. a. Develop and distribute, in collaboration with the
4 area education agencies, core curriculum technical assistance
5 and implementation strategies that school districts and
6 accredited nonpublic schools shall utilize, including but
7 not limited to the development and delivery of formative and
8 end-of-course model assessments classroom teachers may use
9 to measure student progress on the core curriculum adopted
10 pursuant to section 256.7, subsection 26. ~~The department~~
11 ~~shall, in collaboration with the advisory group convened in~~
12 ~~accordance with paragraph "b" and educational assessment~~
13 ~~providers, identify and make available to school districts~~
14 ~~end-of-course and additional model end-of-course and additional~~
15 ~~assessments to align with the expectations included in the Iowa~~
16 ~~core curriculum.~~ The model assessments shall be suitable to
17 meet the multiple assessment measures requirement specified in
18 section 256.7, subsection 21, paragraph "c".

19 b. Convene an a core curriculum framework and core content
20 standards advisory group comprised council.

21 (1) The council shall be comprised of education
22 stakeholders including but not limited to school district and
23 accredited nonpublic school teachers, school administrators,
24 higher education faculty who teach in the subjects for which
25 the curriculum is being adopted, private sector employers,
26 members of the boards of directors of school districts, and
27 individuals representing the educational assessment providers.
28 The council shall elect a chairperson from among its members
29 and adopt rules of procedure. The members of the council shall
30 serve without compensation, but may be reimbursed for actual
31 expenses incurred in carrying out their duties. The department
32 shall provide staff support to the council.

33 (2) The ~~task force~~ advisory council shall review the
34 national assessment of educational progress standards and
35 assessments used by other states, and shall consider standards

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1 identified as best practices in the field of study by the
2 ~~national councils of teachers of English and mathematics,~~
3 ~~the national council for the social studies, the national~~
4 ~~science teachers association~~ nationally recognized entities
5 representing teachers of core curriculum subject areas, and
6 other recognized experts; and shall review the core curriculum
7 and core content standards adopted pursuant to section 256.7,
8 subsections 26 and 28. In making recommendations, the advisory
9 council's goal shall be to increase student achievement and
10 academic growth under the core curriculum and core content
11 standards and to achieve or identify measures to achieve any
12 related objectives established in law. The advisory council
13 shall submit its findings and recommendations annually in a
14 report to the general assembly by November 1.

15 Sec. 6. Section 256.9, subsection 54, Code Supplement 2011,
16 is amended by striking the subsection.

DIVISION III

REGIONAL PARENT ADVOCACY NETWORKS

19 Sec. 7. Section 273.2, Code Supplement 2011, is amended by
20 adding the following new subsection:

21 NEW SUBSECTION. 10. *a.* The area education agency board
22 shall establish a regional parent advocacy network to create
23 an integrated, accessible set of community-wide resources to
24 support learning and development by July 1, 2013. A regional
25 parent advocacy network shall include at least one parent
26 representative from each school district in the area. The area
27 education agency administrator shall coordinate efforts with
28 the board of directors of each school district to facilitate
29 the establishment and maintenance of the regional parent
30 advocacy network.

31 *b.* In addition to any other responsibilities, a regional
32 parent advocacy network shall develop a plan for better
33 coordination between area education agencies, school districts,
34 and parents regarding children's mental health services.

35 Sec. 8. NEW SECTION. **279.68 Regional parent advocacy**



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1 **network.**

2 1. The board of directors of each school district shall
3 coordinate with the area education agency administrator to
4 facilitate the establishment and maintenance of a regional
5 parent advocacy network pursuant to section 273.2, subsection
6 10. The board of directors of each school district, in
7 coordination with the area education agency administrator,
8 shall select at least one parent representative from the school
9 district to serve on the regional parent advocacy network.
10 Parent representatives shall be reflective of the student
11 population in the school district.

12 2. If the board of directors of a school district selects
13 more than one parent representative to serve on the regional
14 parent advocacy network, the board shall select a number of
15 parent representatives such that each parent representative
16 represents six hundred fifty students, or as close to that
17 number as is feasible.

18 DIVISION IV

19 TEACHER AND ADMINISTRATOR MATTERS

20 Sec. 9. Section 256.7, Code Supplement 2011, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 31. Adopt rules establishing a statewide
23 teacher evaluation system and a statewide administrator
24 evaluations system in accordance with section 256.9, subsection
25 64.

26 Sec. 10. Section 256.9, Code Supplement 2011, is amended by
27 adding the following new subsection:

28 NEW SUBSECTION. 64. *a.* Develop a statewide teacher
29 evaluation system and a statewide administrator evaluation
30 system that school districts, charter schools, and accredited
31 nonpublic schools shall use to standardize the instruments
32 and processes used to evaluate teachers and administrators
33 throughout the state.

34 *b.* The components of the statewide teacher evaluation system
35 shall include but not be limited to the following:

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1 (1) Direct observation of classroom teaching behaviors.
2 (2) Balanced consideration of student growth measures, when
3 available for tested subjects and grades, to supplement direct
4 observation of classroom teaching behaviors.
5 (3) Integration of the Iowa teaching standards.
6 (4) System applicability to teachers in all content areas
7 taught in a school.
8 Sec. 11. Section 284.4, subsection 1, paragraph c,
9 unnumbered paragraph 1, Code 2011, is amended to read as
10 follows:
11 Create a teacher quality committee. The committee shall
12 meet at least quarterly and have equal representation of
13 administrators and teachers. The teacher members shall
14 be appointed by the certified employee organization if one
15 exists, and if not, by the school district's or agency's
16 administration. The administrator members shall be appointed
17 by the school board. However, if a school district can
18 demonstrate that an existing professional development,
19 curriculum, or student improvement committee has significant
20 stakeholder involvement and a leadership role in the school
21 district, the appointing authorities may mutually agree to
22 assign to the existing committee the responsibilities set forth
23 in this paragraph "c", to appoint members of the existing
24 committee to the teacher quality committee, or to authorize
25 the existing committee to serve in an advisory capacity to the
26 teacher quality committee. The committee shall do all of the
27 following:
28 Sec. 12. Section 284.4, subsection 1, paragraph c, Code
29 2011, is amended by adding the following new subparagraph:
30 NEW SUBPARAGRAPH. (6) Provide leadership in the
31 development and adoption of professional development plans and
32 activities, and engage in leading knowledgeable and responsive
33 professional development for the school district or area
34 education agency.
35 Sec. 13. Section 284.6, subsection 1, unnumbered paragraph

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1 1, Code Supplement 2011, is amended to read as follows:
 2 The department shall coordinate a statewide network of
 3 professional development for Iowa teachers which collaborates
 4 with teacher quality committees created pursuant to section
 5 284.4, subsection 1, and annually provides the committees with
 6 best practices in professional development that address unique
 7 local needs and school district learning goals identified
 8 by local school boards, administrators, and teacher quality
 9 committees. A school district or professional development
 10 provider that offers a professional development program in
 11 accordance with section 256.9, subsection 46, shall demonstrate
 12 that the program contains the following:

13 Sec. 14. Section 284.6, subsection 8, Code Supplement 2011,
 14 is amended to read as follows:

15 8. For each year in which a school district receives funds
 16 calculated and paid to school districts for professional
 17 development pursuant to section 257.10, subsection 10, or
 18 section 257.37A, subsection 2, the school district shall create
 19 quality professional development opportunities. Not less
 20 than two hours per instructional week shall be set aside to
 21 allow practitioners to collaborate with each other to deliver
 22 educational programs and assess student learning. The goal
 23 for the use of the funds is to provide one additional contract
 24 day or the equivalent thereof for professional development
 25 and use of the funds is limited to providing professional
 26 development to teachers, including additional salaries for time
 27 beyond the normal negotiated agreement; pay for substitute
 28 teachers, professional development materials, speakers, and
 29 professional development content; and costs associated with
 30 implementing the individual professional development plans.
 31 The use of the funds shall be balanced between school district,
 32 attendance center, and individual professional development
 33 plans, making every reasonable effort to provide equal access
 34 to all teachers.

35 Sec. 15. Section 284.8, subsections 1 and 2, Code 2011, are



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1 amended to read as follows:

2 1. A school district shall provide for an annual
 3 review a of each teacher's performance ~~at least once every~~
 4 ~~three years~~ for purposes of assisting teachers in making
 5 continuous improvement, documenting continued competence in
 6 the Iowa teaching standards, identifying teachers in need of
 7 improvement, or to determine whether the teacher's practice
 8 meets school district expectations for career advancement in
 9 accordance with section 284.7. The review shall include, at
 10 minimum, classroom observation of the teacher, the teacher's
 11 progress, and implementation of the teacher's individual
 12 professional development plan, subject to the level of
 13 resources provided to implement the plan; and shall include
 14 supporting documentation from parents, students, and other
 15 teachers. The first and second year of review shall be
 16 conducted by a peer group of teachers. The peer group shall
 17 review all of the peer group members. Peer group reviews
 18 shall be formative and shall be conducted on an informal,
 19 collaborative basis that is focused on assisting each peer
 20 group member in achieving the goals of the teacher's individual
 21 professional development plan. Peer group reviews shall not
 22 be the basis for recommending that a teacher participate in
 23 an intensive assistance program, and shall not be used to
 24 determine the compensation, promotion, layoff, or termination
 25 of a teacher, or any other determination affecting a teacher's
 26 employment status. Members of the peer group shall be reviewed
 27 every third year by at least one evaluator certified in
 28 accordance with section 284.10.

29 2. If a supervisor or an evaluator determines, ~~at any time,~~
 30 ~~as a result of a teacher's performance~~ that the a teacher
 31 is not meeting district expectations under the Iowa teaching
 32 standards specified in section 284.3, subsection 1, paragraphs
 33 "a" through "h", the criteria for the Iowa teaching standards
 34 developed by the department in accordance with section 256.9,
 35 subsection 46, and any other standards or criteria established

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1 in the collective bargaining agreement, the evaluator shall,
2 at the direction of the teacher's supervisor, recommend to
3 the district that the teacher participate in an intensive
4 assistance program. The intensive assistance program and
5 its implementation are subject to negotiation and grievance
6 procedures established pursuant to chapter 20. All school
7 districts shall be prepared to offer an intensive assistance
8 program.

9 Sec. 16. Section 284A.7, Code 2011, is amended to read as
10 follows:

11 **284A.7 Evaluation requirements for administrators.**

12 1. A school district shall conduct an annual evaluation
13 of an administrator who holds a professional administrator
14 license issued under chapter 272 ~~at least once every three~~
15 ~~years~~ for purposes of assisting the administrator in making
16 continuous improvement, documenting continued competence in
17 the Iowa standards for school administrators adopted pursuant
18 to section 256.7, subsection 27, or to determine whether the
19 administrator's practice meets school district expectations.
20 The ~~review~~ evaluation shall include, at a minimum, an
21 assessment of the administrator's competence in meeting the
22 Iowa standards for school administrators and the goals of the
23 administrator's individual professional development plan,
24 including supporting documentation or artifacts aligned to the
25 Iowa standards for school administrators and the individual
26 administrator's professional development plan.

27 2. A school district shall adopt the statewide
28 administrator evaluation system developed pursuant to section
29 256.9, subsection 64.

30 Sec. 17. STATEWIDE EDUCATOR EVALUATION SYSTEM TASK
31 FORCE. The director of the department of education shall
32 appoint, and provide staffing services for, a task force to
33 conduct a study regarding a statewide teacher evaluation
34 system and a statewide administrator evaluation system. The
35 study of a statewide teacher evaluation system shall include a



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1 review of student growth measures described in section 256.9,
2 subsection 64, paragraph "b", subparagraph (2), as enacted in
3 this division of this Act. Membership of the task force shall
4 include but not be limited to an individual representing an
5 accredited institution of higher education. To the extent
6 possible, appointments shall be made to provide geographical
7 area representation and to comply with sections 69.16, 69.16A,
8 and 69.16C. The task force, at a minimum, shall include in its
9 recommendations and proposal a tiered evaluation system that
10 differentiates ineffective, minimally effective, effective, and
11 highly effective performance by teachers and administrators.
12 The task force shall submit its findings, recommendations, and
13 a proposal for each system to the general assembly by October
14 15, 2012.

15 Sec. 18. ADMINISTRATOR PREPARATION AND LICENSURE REVIEW
16 TASK FORCE.

17 1. The department of education, in collaboration with
18 the board of educational examiners and the postsecondary
19 institutions with approved administrator preparation programs
20 located in this state, shall convene a task force to identify
21 and recommend measures to improve Iowa's administrator
22 preparation and licensure practices. The task force shall also
23 do the following:

24 a. Identify measures to increase the quality of the
25 administrator mentoring and induction experience, determine
26 the best practices that establish principals as instructional
27 leaders, including but not limited to defining and promoting
28 high expectations of teachers, elimination of teacher isolation
29 and fragmented effort, and measures that create connections
30 with teachers and classrooms.

31 b. Determine a timeline and identify barriers to
32 incorporating into the requirements for administrator
33 preparation program approval research-based practices that
34 promote student achievement and include but are not limited to
35 the following:

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- 1 (1) Shaping a vision of academic success for all students
2 based on high standards.
- 3 (2) Creating a climate hospitable to education in order that
4 safety, a cooperative spirit, and other foundations of fruitful
5 interaction prevail.
- 6 (3) Cultivating leadership in others so that teachers and
7 other adults assume their part in realizing the school vision.
- 8 (4) Improving instruction to enable teachers to teach at
9 their best and students to learn at their utmost.
- 10 (5) Managing people, data, and processes to foster school
11 improvement.
- 12 c. Identify the necessary components of separate
13 license and endorsement requirements for principals at the
14 prekindergarten through grade six level and at the grade seven
15 through twelve level.
- 16 d. Identify the components necessary for new endorsements
17 relating to specialty areas including but not limited to the
18 following:
- 19 (1) School turn-around.
20 (2) Closing achievement gaps through leadership.
21 (3) High-poverty, at-risk populations.
- 22 2. The task force shall consist of teachers, administrators
23 including superintendents, and representatives of the
24 department of education, the board of educational examiners,
25 school administrators of Iowa, and approved practitioner
26 preparation institutions. The department, the board, and
27 the postsecondary institutions with approved administrator
28 preparation programs located in this state may mutually agree
29 to appoint other education stakeholders as task force members.
- 30 3. The task force shall meet quarterly and shall submit
31 its findings and recommendations, including recommendations
32 for changes to the Iowa Code as appropriate, to the general
33 assembly by November 15, 2013.
- 34 Sec. 19. REPEAL. Section 284.14A, Code 2011, is repealed.
- 35 Sec. 20. IOWA TEACHING STANDARDS AND CRITERIA REVIEW TASK

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1 FORCE.

2 1. The department of education shall convene a task force to
3 identify and recommend measures to improve the Iowa teaching
4 standards and criteria, and the educator evaluations conducted
5 based on the Iowa teaching standards.

6 2. The task force shall consist of teachers,
7 administrators, and representatives of the department of
8 education, the board of educational examiners, an organization
9 representing teachers, accredited institutions of higher
10 education, and any other appropriate educational stakeholders.

11 3. The task force shall submit its findings and
12 recommendations, including recommendations for changes to the
13 Iowa Code as appropriate, to the general assembly by November
14 15, 2012.

15 Sec. 21. TEACHING AND ADMINISTRATION STANDARDS REPORT. By
16 January 1, 2013, the state board of education shall submit a
17 report to the general assembly recommending Iowa teaching and
18 administration standards that are aligned with best practices
19 and nationally accepted standards. The report shall include
20 recommendations for changes to the Code of Iowa as appropriate.

DIVISION V

TOBACCO PROHIBITED ON SCHOOL GROUNDS

23 Sec. 22. Section 279.9, Code 2011, is amended to read as
24 follows:

25 **279.9 Use of tobacco, alcoholic beverages, or controlled**
26 **substances.**

27 1. The rules shall prohibit the use of tobacco, including
28 nicotine products, and the use or possession of alcoholic
29 liquor, wine, or beer or any controlled substance as defined in
30 section 124.101, subsection 5, by any student of the schools,
31 and the or by anyone on school grounds, is prohibited. A
32 school board may suspend or expel a student for a violation of
33 a rule under this section. For violation of this section a
34 school board may remove a person from school grounds and may
35 bar the person's future presence on school grounds.

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1 2. As used in this section, "nicotine product" means any
2 product containing nicotine or any other preparation of tobacco
3 not described in section 453A.1, and any product or formulation
4 of matter containing biologically active amounts of nicotine
5 that is manufactured, sold, offered for sale, or otherwise
6 distributed with the expectation that the product or matter
7 will be introduced into the human body. "Nicotine product" does
8 not include any cessation product specifically approved by the
9 United States food and drug administration for use in reducing,
10 treating, or eliminating nicotine or tobacco dependence.

DIVISION VI

ONLINE LEARNING

13 Sec. 23. Section 256.7, subsections 7, 8, and 9, Code
14 Supplement 2011, are amended to read as follows:

15 7. Adopt rules under chapter 17A for the use of
16 telecommunications as an instructional tool and for educational
17 instruction and content delivery primarily over the internet
18 for students enrolled in kindergarten through grade twelve
19 and served by local school districts, accredited or approved
20 nonpublic schools, area education agencies, community
21 colleges, institutions of higher education under the state
22 board of regents, and independent colleges and universities
23 in elementary and secondary school classes and courses. The
24 rules shall include but need not be limited to rules relating
25 to programs, rigorous alignment of all coursework to the core
26 curriculum and core content standards, educational policy,
27 instructional practices, staff development, use of pilot
28 projects, curriculum monitoring, and the accessibility of
29 licensed teachers.

30 a. When curriculum is provided by means of
31 telecommunications or delivered over the internet, it shall be
32 taught by ~~an appropriately licensed a~~ teacher licensed under
33 chapter 272. ~~The~~ When provided by means of telecommunications,
34 the teacher shall either be present in the classroom, or be
35 present at the location at which the curriculum delivered by

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1 means of telecommunications originates.

2 *b.* The rules shall provide that when the curriculum is
3 taught by an appropriately licensed teacher at the location
4 at which the telecommunications originates, the curriculum
5 received at a remote site shall be under the supervision of a
6 licensed teacher. The licensed teacher at the originating site
7 may provide supervision of students at a remote site or the
8 school district in which the remote site is located may provide
9 for supervision at the remote site if the school district deems
10 it necessary or if requested to do so by the licensed teacher
11 at the originating site.

12 *c.* For the purposes of this subsection, “supervision” means
13 that the curriculum is monitored by a ~~licensed~~ licensed
14 under chapter 272 and the teacher is accessible to the students
15 receiving the curriculum by means of telecommunications or
16 delivery over the internet.

17 ~~c.~~ *d.* The state board shall establish an advisory
18 committee to make recommendations for rules required under
19 this subsection on the use of telecommunications as an
20 instructional tool and for educational instruction and content
21 delivery primarily over the internet. The committee shall be
22 composed of representatives from community colleges and other
23 accredited institutions of higher education, area education
24 agencies, accredited or approved nonpublic schools, and
25 local school districts from various enrollment categories.
26 The representatives shall include board members, school
27 administrators, teachers, parents, students, and associations
28 interested in education.

29 ~~d.~~ *e.* For the purpose of the rules adopted by the state
30 board, telecommunications means narrowcast communications
31 through systems that are directed toward a narrowly defined
32 audience and includes interactive live communications, and
33 coursework delivered over the internet may also be referred to
34 as online learning.

35 8. Rules adopted under this section shall provide ~~that the~~ the



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1 1. An Iowa learning online initiative is established within
2 the department of education to partner with school districts to
3 provide distance education to high school students statewide.
4 The department shall utilize a variety of content repositories,
5 including those maintained by the area education agencies
6 and the public broadcasting division, in administering the
7 initiative.

8 2. Coursework offered under the initiative shall
9 meet the requirements of section 256.7, subsections
10 7, 8, and 9, and shall be taught by an appropriately
11 licensed teacher who has completed an online-learning
12 -for-Iowa-educators-professional-development project offered
13 by area education agencies, a teacher preservice program, or
14 comparable coursework.

15 3. Under the initiative, students must be enrolled in
16 a participating school district, which is responsible for
17 recording grades received for initiative coursework in a
18 student's permanent record, awarding high school credit for
19 initiative coursework, and issuing high school diplomas to
20 students enrolled in the district who participate and complete
21 coursework under the initiative. Each participating school
22 shall identify a site coordinator to serve as a student
23 advocate and as a liaison between the initiative staff and
24 teachers and the school district.

25 4. Coursework offered under the initiative shall be
26 rigorous and high quality, and the department shall annually
27 evaluate the quality of the courses, ensure that coursework
28 is aligned with the state's core curriculum and core content
29 requirements and standards, as well as national standards
30 of quality for online courses issued by an internationally
31 recognized association for kindergarten through grade twelve
32 online learning.

33 Sec. 26. Section 256.33, subsection 3, Code 2011, is amended
34 to read as follows:

35 3. Priority shall be given to programs integrating



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1 ~~telecommunications~~ educational technology into the classroom.
2 The department may award grants to school corporations and
3 higher education institutions to perform the functions listed
4 in this section.

5 Sec. 27. Section 279.47, Code 2011, is amended to read as
6 follows:

7 **279.47 Telecommunications and internet delivery —**
8 **participation by school districts in database development.**

9 The board of directors of each school district ~~utilizing~~
10 ~~telecommunications as an instructional tool~~ providing
11 instruction by means of telecommunications or delivered over
12 the internet shall participate in procedures adopted by the
13 state board of education under section 256.7, subsection 9.

DIVISION VII

BOARD OF EDUCATIONAL EXAMINERS PROVISIONS

16 Sec. 28. Section 272.5, Code 2011, is amended to read as
17 follows:

18 **272.5 Compensation of board, — executive director.**

19 1. Members shall be reimbursed for actual and necessary
20 expenses incurred while engaged in their official duties
21 and may be entitled to per diem compensation as authorized
22 under section 7E.6. For duties performed during an ordinary
23 school day by a member who is employed by a school corporation
24 or state university, the member shall also receive regular
25 compensation from the school or university. However, the
26 member shall reimburse the school or university in the amount
27 of the per diem compensation received.

28 2. The governor shall appoint an executive director of the
29 board of educational examiners subject to confirmation by the
30 senate. The director shall possess a background in education
31 licensure and administrative experience and shall serve at the
32 pleasure of the governor. The board of educational examiners
33 shall set the salary of the executive director within the range
34 established for the position by the general assembly.

35 Sec. 29. Section 272.25, subsection 1, Code 2011, is amended



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1 to read as follows:

2 1. A requirement that each student admitted to an approved
3 practitioner preparation program must participate in field
4 experiences that include both observation and participation in
5 teaching activities in a variety of school settings. These
6 field experiences shall comprise a total of at least fifty
7 hours in duration, at least ten hours of which shall occur
8 prior to a student's acceptance in an approved practitioner
9 preparation program. The student teaching experience shall
10 be a minimum of ~~twelve~~ fourteen weeks in duration during the
11 student's final year of the practitioner preparation program.
12 The program must make every reasonable effort to offer the
13 student teaching experience prior to a student's last semester,
14 or equivalent, in the program, and to expand the student's
15 student teaching opportunities beyond one semester or the
16 equivalent.

DIVISION VIII

SCHOOL ADMINISTRATION MANAGER

17
18
19 Sec. 30. Section 256.7, subsection 30, Code Supplement
20 2011, is amended to read as follows:

21 30. Set standards and procedures for the approval of
22 training programs for individuals who seek an authorization
23 ~~issued by the board of educational examiners~~ under section
24 256.117 for employment the following:

25 a. Employment as a school business official responsible for
26 the financial operations of a school district.

27 b. Employment as a school administration manager responsible
28 for assisting a school principal in performing noninstructional
29 duties.

30 Sec. 31. Section 272.31, Code 2011, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 2A. The board shall issue a school
33 administration manager authorization to an individual who
34 successfully completes a training program that meets the
35 standards set by the state board pursuant to section 256.7,

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1 subsection 30, and who complies with rules adopted by the state
2 board pursuant to subsection 3.

3 DIVISION IX

4 STATE BOARD OF REGENTS PROVISIONS

5 Sec. 32. Section 262.9, Code Supplement 2011, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 36. Develop a program for implementing
8 continuous improvement methodologies in every undergraduate
9 course offered by an institution of higher education governed
10 by the board. For courses with enrollments of three hundred or
11 more annually, whether in one or multiple sections, continuous
12 improvement plans shall be developed and implemented beginning
13 in the fall semester of 2013. The board shall annually
14 evaluate the effectiveness of the methodologies and plans and
15 shall submit its findings and recommendations in a report to
16 the general assembly by November 1.

17 Sec. 33. Section 262.30, Code Supplement 2011, is amended
18 to read as follows:

19 **262.30 ~~Contracts for practitioner~~ Practitioner preparation**
20 **— contracts — report.**

21 1. The board of directors of any school district in the
22 state of Iowa may enter into contract with the state board of
23 regents for furnishing instruction to pupils of such school
24 district, and for practitioner preparation for the schools
25 of the state in such particular lines of demonstration and
26 instruction as are deemed necessary for the efficiency of the
27 university of northern Iowa, state university of Iowa, and Iowa
28 state university of science and technology as training schools
29 for practitioners.

30 2. Beginning July 1, 2012, the state board of regents shall
31 conduct annually a study relating to the admission requirements
32 common to the state universities' practitioner preparation
33 programs and the cumulative grade point averages of all
34 students entering and exiting the programs. The board shall
35 make every reasonable effort to coordinate with accredited

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1 private institutions that offer approved practitioner
 2 preparation programs in the collection of the institutions'
 3 admission requirements and the cumulative grade point averages
 4 of all students entering and exiting such programs. The study
 5 shall include, as applicable, the progress of such students
 6 toward meeting student teaching and graduation requirements,
 7 success in obtaining teaching licenses, knowledge of content
 8 areas, and employment as practitioners in this state. The
 9 board shall submit its findings and recommendations to the
 10 general assembly by December 1 annually.

11 Sec. 34. NEW SECTION. **268.8 Science, technology,**
 12 **engineering, and mathematics collaborative initiative.**

13 1. A science, technology, engineering, and mathematics
 14 collaborative initiative is established at the university of
 15 northern Iowa for purposes of supporting activities directly
 16 related to recruitment of prekindergarten through grade twelve
 17 mathematics and science teachers for ongoing mathematics and
 18 science programming for students enrolled in prekindergarten
 19 through grade twelve.

20 2. The collaborative initiative shall prioritize student
 21 interest in achievement in science, technology, engineering,
 22 and mathematics; reach every student and teacher in every
 23 school district in the state; identify, recruit, prepare,
 24 and support the best mathematics and science teachers; and
 25 sustain exemplary programs through the university's Iowa
 26 mathematics and science education partnership. The university
 27 shall collaborate with the community colleges to develop
 28 science, technology, engineering, and mathematics professional
 29 development programs for community college instructors and for
 30 purposes of science, technology, engineering, and mathematics
 31 curricula development.

32 3. Subject to an appropriation of sufficient funds by
 33 the general assembly, the initiative shall administer the
 34 following:

35 a. Regional science, technology, engineering, and

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1 mathematics networks for Iowa, the purpose of which is to
2 equalize science, technology, engineering, and mathematics
3 education enrichment opportunities available to learners
4 statewide. The initiative shall establish six geographically
5 similar regional science, technology, engineering, and
6 mathematics networks across Iowa that complement and leverage
7 existing resources, including but not limited to extension
8 service assets, area education agencies, state accredited
9 postsecondary institutions, informal educational centers,
10 school districts, economic development zones, and existing
11 public and private science, technology, engineering, and
12 mathematics partnerships. Each network shall be managed
13 by a highly qualified science, technology, engineering,
14 and mathematics advocate positioned at a network hub to
15 be determined through a competitive application process.
16 Oversight for each regional network shall be provided by
17 a regional advisory board. Members of the board shall be
18 appointed by the governor. The membership shall represent
19 prekindergarten through grade twelve school districts
20 and schools, and higher education, business, nonprofit
21 organizations, youth agencies, and other appropriate
22 stakeholders.

23 *b.* A focused array of the best science, technology,
24 engineering, and mathematics enrichment opportunities, selected
25 through a competitive application process, that can be expanded
26 to meet future needs. A limited, focused list of selected
27 exemplary programs shall be made available to each regional
28 network.

29 *c.* Statewide science, technology, engineering, and
30 mathematics programming designed to increase participation of
31 students and teachers in successful learning experiences; to
32 increase the number of science, technology, engineering, and
33 mathematics-related teaching majors offered by the state's
34 universities; to elevate public awareness of the opportunities;
35 and to increase collaboration and partnerships.

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1 adding the following new subsection:

2 NEW SUBSECTION. 32. By July 1, 2013, adopt by rule
3 guidelines for school district implementation of section
4 279.69, including but not limited to basic levels of reading
5 proficiency on approved assessments and identification of tools
6 that school districts may use in evaluating and reevaluating
7 any student who may be or who is determined to be deficient in
8 reading, including but not limited to initial assessments and
9 subsequent assessments, alternative assessments, and portfolio
10 reviews. The state board shall adopt standards that provide
11 a reasonable expectation that a student's progress toward
12 reading proficiency under section 279.69 is sufficient to
13 master appropriate grade four level reading skills prior to the
14 student's promotion to grade four.

15 Sec. 38. Section 256.9, subsection 53, Code Supplement
16 2011, is amended by adding the following new paragraph:

17 NEW PARAGRAPH. c. Establish, subject to an appropriation
18 of sufficient funds by the general assembly, an Iowa reading
19 research center to apply current research on literacy to
20 provide for the development and dissemination of all of the
21 following:

- 22 (1) Promising instructional strategies in reading.
- 23 (2) Reading assessments.
- 24 (3) Professional development strategies and materials
25 aligned with current and emerging best practices for the
26 teaching of reading.

27 Sec. 39. Section 279.60, Code 2011, is amended to read as
28 follows:

29 **279.60 ~~Kindergarten assessment~~ Assessments — access to data**
30 **— reports.**

31 1. Each school district shall administer a kindergarten
32 readiness assessment prescribed by the department of education
33 to every resident prekindergarten or four-year-old child whose
34 parent or guardian enrolls the child in the district.

35 2. Each school district shall administer the dynamic



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1 indicators of basic early literacy skills kindergarten
 2 benchmark assessment or other kindergarten benchmark assessment
 3 adopted by the department of education in consultation with
 4 the early childhood Iowa state board to every kindergarten
 5 student enrolled in the district not later than the date
 6 specified in section 257.6, subsection 1. The school district
 7 shall also collect information from each parent, guardian,
 8 or legal custodian of a kindergarten student enrolled in the
 9 district, including but not limited to whether the student
 10 attended preschool, factors identified by the early childhood
 11 Iowa office pursuant to section 256I.5, and other demographic
 12 factors. Each school district shall report the results of
 13 the assessment and the preschool information collected to
 14 the department of education in the manner prescribed by the
 15 department not later than January 1 of that school year. The
 16 early childhood Iowa office in the department of management
 17 shall have access to the raw data. The department shall review
 18 the information submitted pursuant to this section and shall
 19 submit its findings and recommendations annually in a report to
 20 the governor, the general assembly, the early childhood Iowa
 21 state board, and the early childhood Iowa area boards.

22 **Sec. 40. NEW SECTION. 279.69 Student progression —**
 23 **remedial instruction — reporting requirements — promotion.**

24 1. *Reading deficiency and parental notification.*

25 a. A school district shall provide intensive reading
 26 instruction to any student who exhibits a substantial
 27 deficiency in reading, based upon locally determined or
 28 statewide assessments conducted in kindergarten or grade one,
 29 grade two, or grade three, or through teacher observations,
 30 immediately following the identification of the reading
 31 deficiency. The student's reading proficiency shall be
 32 reassessed by locally determined and statewide assessments.
 33 The student shall continue to be provided with intensive
 34 reading instruction until the reading deficiency is remedied.

35 b. The parent or guardian of any student in kindergarten



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1 through grade three who exhibits a substantial deficiency in
2 reading, as described in paragraph "a", shall be notified at
3 least annually in writing of the following:

4 (1) That the child has been identified as having a
5 substantial deficiency in reading.

6 (2) A description of the services currently provided to the
7 child.

8 (3) A description of the proposed supplemental
9 instructional services and supports that the school district
10 will provide to the child that are designed to remediate the
11 identified area of reading deficiency.

12 (4) Strategies for parents and guardians to use in helping
13 the child succeed in reading proficiency, including but not
14 limited to the promotion of parent-guided home reading.

15 2. *Successful progression for early readers.* A school
16 district shall do all of the following:

17 a. Provide students who are identified as having a
18 substantial deficiency in reading under subsection 1, paragraph
19 "a", with intensive instructional services and supports,
20 free of charge, to remediate the identified areas of reading
21 deficiency, including a minimum of a daily ninety-minute block
22 of scientific-research-based reading instruction and other
23 strategies prescribed by the school district which may include
24 but are not limited to the following:

25 (1) Small group instruction.

26 (2) Reduced teacher-student ratios.

27 (3) More frequent progress monitoring.

28 (4) Tutoring or mentoring.

29 (5) Extended school day, week, or year.

30 (6) Summer reading programs.

31 b. At regular intervals, apprise the parent or guardian of
32 academic and other progress being made by the student and give
33 the parent or guardian other useful information.

34 c. In addition to required reading enhancement and
35 acceleration strategies, provide parents of students who are

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1 identified as having a substantial deficiency in reading under
2 subsection 1, paragraph "a", with a plan outlined in a parental
3 contract, including participation in regular parent-guided home
4 reading.

5 d. Establish a reading enhancement and acceleration
6 development initiative designed to offer intensive accelerated
7 reading instruction to each kindergarten through grade three
8 student who is assessed as exhibiting a substantial deficiency
9 in reading. The initiative shall comply with all of the
10 following criteria:

11 (1) Be provided to all kindergarten through grade three
12 students who exhibit a substantial deficiency in reading under
13 this section. The assessment initiative shall measure phonemic
14 awareness, phonics, fluency, vocabulary, and comprehension.

15 (2) Be provided during regular school hours in addition to
16 the regular reading instruction.

17 (3) Provides a reading curriculum that meets guidelines
18 adopted pursuant to section 256.7, subsection 32, and at a
19 minimum has the following specifications:

20 (a) Assists students assessed as exhibiting a substantial
21 deficiency in reading to develop the skills to read at grade
22 level.

23 (b) Provides skill development in phonemic awareness,
24 phonics, fluency, vocabulary, and comprehension.

25 (c) Includes a scientifically based and reliable
26 assessment.

27 (d) Provides initial and ongoing analysis of each student's
28 reading progress.

29 (e) Is implemented during regular school hours.

30 (f) Provides a curriculum in core academic subjects to
31 assist the student in maintaining or meeting proficiency levels
32 for the appropriate grade in all academic subjects.

33 e. Report to the department of education the specific
34 intensive reading interventions and supports implemented by the
35 school district pursuant to this section. The department shall

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1 *d.* The department shall develop a method for scoring
2 applications for the pilot project from school districts.
3 In scoring applications, the department shall consider the
4 geographic diversity and student population size of the
5 applying school districts.

6 3. The number of participating students in the
7 instructional time pilot project shall not exceed seven percent
8 of the total student enrollment in school districts statewide
9 in prekindergarten through grade twelve for the school year
10 ending June 30, 2012. The number of participating students in
11 the pilot project in a school district shall not exceed ten
12 percent of the total student population for prekindergarten
13 through grade twelve in the district for the school year ending
14 June 30, 2012. The total number of students participating in
15 the pilot project who are enrolled in a school district during
16 a school year shall not exceed ten percent of the total number
17 of students participating in the pilot project statewide during
18 the school year.

19 4. Notwithstanding section 256.7, subsection 19; section
20 279.10, subsection 1; or any other provision of law to the
21 contrary, for the purposes of a student participating in the
22 instructional time pilot project:

23 *a.* The school year for a school district shall begin on July
24 1 and end on July 30 and each school calendar shall include not
25 less than one thousand forty-five hours of instruction during
26 the school calendar year. The board of directors of a school
27 district shall set the number of days of required attendance
28 for the school calendar year as provided in section 299.1,
29 subsection 2.

30 *b.* The state board of education shall define instructional
31 hours as time spent with a licensed teacher that shall be
32 exclusive of the lunch period and parent-teacher conferences,
33 but may include passing time between classes.

34 5. The department shall submit a report to the general
35 assembly, annually by December 15, on the instructional

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1 time pilot project. The report shall include the number of
 2 participating students in each school district, project data
 3 broken down by school district, findings and outcomes from the
 4 project, and policy recommendations regarding instructional
 5 time.

6 6. The department shall adopt rules pursuant to chapter 17A
 7 necessary to administer this section.

8 7. This section is repealed June 30, 2016.

9 Sec. 42. Section 257.11, Code 2011, is amended by adding the
 10 following new subsection:

11 NEW SUBSECTION. 11. *Instructional time pilot project.*

12 *a.* In order to provide additional funds for school districts
 13 in which pupils participate in the instructional time pilot
 14 project established in section 256.41, a supplementary
 15 weighting plan for determining enrollment is adopted.

16 *b.* Pupils participating in the instructional time pilot
 17 project are assigned a supplementary weighting of five
 18 one-hundredths.

19 *c.* This subsection is repealed June 30, 2016.

DIVISION XIII

PARENT LIAISON COUNSELOR PILOT PROGRAM

22 Sec. 43. NEW SECTION. 280.30 Parent liaison counselor pilot
 23 program.

24 1. A parent liaison counselor pilot program is established
 25 to be administered by the department of education. An
 26 attendance center in a school district identified by the
 27 department of education as a persistently lowest-achieving
 28 school shall employ one parent liaison counselor. A parent
 29 liaison counselor shall be a teacher or guidance counselor
 30 licensed under chapter 272 or a social worker licensed pursuant
 31 to chapter 154C.

32 2. For purposes of this section, *"targeted students"*
 33 includes students in special education, students in
 34 individualized education programs, students from families with
 35 a family income at or below two hundred percent of the federal



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1 poverty level as defined by the most recently revised poverty
2 income guidelines published by the United States department of
3 health and human services, students with ongoing attendance
4 issues, and other at-risk student populations identified by the
5 department of education.

6 3. A parent liaison counselor shall have the following
7 duties:

8 a. Meeting and working with targeted students and the
9 parents of targeted students, whether at a student's home or
10 in a student's school, regarding course selection, career
11 planning, educational needs which are not being met, special
12 needs, services and resources available outside of school,
13 and any other matters relevant to improving learning and
14 achievement of targeted students.

15 b. For targeted students in middle school, focusing
16 primarily on helping targeted students and the parents of
17 targeted students with advance planning and course selection
18 for high school.

19 4. The department of education shall adopt measures for the
20 purpose of assessing the effectiveness of the parent liaison
21 counselor pilot program.

22 5. The department of education shall submit a report to
23 the general assembly, annually by December 15, on the parent
24 liaison counselor pilot program.

25 6. This section is repealed June 30, 2016.

DIVISION XIV

CLASS SHARING AGREEMENTS

28 Sec. 44. Section 257.11, subsection 3, Code 2011, is amended
29 by adding the following new paragraph:

30 NEW PARAGRAPH. c. A school district that collaborates with
31 a community college to provide a college-level class that uses
32 an activities-based, project-based, and problem-based learning
33 approach and that is offered through a partnership with a
34 nationally recognized provider of rigorous and innovative
35 science, technology, engineering, and mathematics curriculum

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1 for schools, which provider is exempt from taxation under
 2 section 501(c)(3) of the Internal Revenue Code, is eligible to
 3 receive additional weighting under a supplementary weighting
 4 plan adopted pursuant to this subsection.

5 DIVISION XV

6 PRACTITIONER PREPARATION PROGRAM ASSESSMENTS

7 Sec. 45. Section 256.16, subsection 1, paragraph a, Code
 8 2011, is amended to read as follows:

9 a. (1) Administer a basic skills test a preprofessional
 10 skills test offered by a nationally recognized testing service
 11 to practitioner preparation program admission candidates.
 12 Rules adopted shall require institutions to deny admission to
 13 the program to any candidate who does not successfully pass the
 14 test.

15 (2) Administer, prior to a student's completion of the
 16 practitioner preparation program, subject assessments designed
 17 by a nationally recognized testing service that measure
 18 pedagogy and knowledge of at least one subject area. A student
 19 shall not successfully complete the program unless the student
 20 successfully passes the assessments administered pursuant to
 21 this subparagraph.

22 DIVISION XVI

23 STATE MANDATE

24 Sec. 46. STATE MANDATE FUNDING SPECIFIED. In accordance
 25 with section 25B.2, subsection 3, the state cost of requiring
 26 compliance with any state mandate included in this Act shall
 27 be paid by a school district from the state school foundation
 28 aid received by the school district under section 257.16.
 29 This specification of the payment of the state cost shall be
 30 deemed to meet all of the state funding-related requirements of
 31 section 25B.2, subsection 3, and no additional state funding
 32 shall be necessary for the full implementation of this Act
 33 by and enforcement of this Act against all affected school
 34 districts.

35 EXPLANATION

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1 This bill relates to programs and activities under
2 the purview of the department of education, the board of
3 educational examiners, school districts, and accredited
4 nonpublic schools.

5 DIVISION I — COMPETENCY-BASED INSTRUCTION. 2011 Iowa Acts,
6 chapter 71 (SF 453), directs the state board of education to
7 adopt rules requiring public and accredited nonpublic high
8 schools to consider any student who satisfactorily completes a
9 high school-level unit to have satisfactorily completed a unit
10 of the high school graduation requirements for that subject
11 matter area and to issue high school credit for the unit to
12 the student. This requirement is limited to the subjects of
13 English or language arts, mathematics, science, or social
14 studies. The bill removes that limitation.

15 The bill permits a school district or accredited nonpublic
16 school to allow high school credit to be awarded to a student
17 upon the demonstration of required competencies for a course or
18 content area, as approved by an appropriately licensed teacher.
19 The bill specifies that the school district or accredited
20 nonpublic school determines the assessment methods by which
21 the student demonstrates sufficient evidence of the required
22 competencies.

23 The bill defines "unit" for the purposes of course
24 requirements for students in public and nonpublic schools in
25 grades 9 through 12. To qualify as a unit, a course must be
26 taught for at least 200 minutes per week for 36 weeks or be
27 taught for the equivalent of 120 hours of instruction.

28 The bill provides that a student will receive credit or
29 partial credit upon successful completion of a course which
30 meets one of the criteria for "unit" as defined in the bill
31 or related components equivalent to a course which meets one
32 of the criteria. Partial credit must be calculated in a
33 manner consistent with the criteria set out in the bill. The
34 bill further provides that a student may receive credit on a
35 performance basis through the administration of an assessment,

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1 provided the assessment covers the competencies ordinarily
2 included in the regular course.

3 DIVISION II — CORE CURRICULUM FRAMEWORK AND CORE CONTENT
4 STANDARDS. The bill establishes the core curriculum framework
5 and core content standards advisory council under the
6 department of education. The council is required to make
7 recommendations to the general assembly regarding necessary
8 changes to the core curriculum and core content standards
9 with the goal of improving student achievement and academic
10 growth. The council is also directed to promote any objectives
11 established by law in making recommendations. Members of the
12 council serve without compensation but may be reimbursed for
13 their actual expenses incurred in the performance of their
14 duties.

15 The bill adds the subjects of music and other fine arts,
16 applied arts, foreign languages, physical education, character
17 education, and entrepreneurship education to the skills and
18 knowledge the core curriculum for kindergarten through grade 12
19 must address.

20 DIVISION III — REGIONAL PARENT ADVOCACY NETWORKS. The bill
21 requires the area education agency boards to establish regional
22 parent advocacy networks to create an integrated, accessible
23 set of community-wide resources to support learning and
24 development by July 1, 2013. The bill provides that a regional
25 parent advocacy network shall include at least one parent
26 representative from each school district in the area. The
27 bill provides that, in addition to any other responsibilities,
28 a regional parent advocacy network shall develop a plan for
29 better coordination between area education agencies, school
30 districts, and parents regarding children's mental health
31 services.

32 The bill requires area education agency administrators to
33 coordinate with the board of directors of each school district
34 in the area to facilitate the establishment and maintenance of
35 the regional parent advocacy networks. The bill directs the

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1 board of directors of each school district, in coordination
2 with the area education agency administrator, to select at
3 least one representative from each school district in the area
4 to serve on the regional parent advocacy network. The bill
5 provides that if the board of directors of a school district
6 selects more than one parent representative to serve on the
7 regional parent advocacy network, the board shall select
8 a number of parent representatives such that each parent
9 representative represents 650 students, or as close to that
10 number as is feasible.

11 DIVISION IV — TEACHER AND ADMINISTRATOR MATTERS. The bill
12 relates to teaching and administrator standards and teacher and
13 administrator preparation, licensure, professional development,
14 and evaluation.

15 The bill directs the state board to submit recommendations
16 regarding Iowa teaching and administration standards to the
17 general assembly by January 1, 2013; directs the director of
18 the department of education to develop a statewide teacher
19 evaluation system and a statewide administrator evaluation
20 system that school districts, charter schools, and accredited
21 nonpublic schools shall use to standardize the instruments
22 and processes used to evaluate teachers and administrators
23 throughout the state; provides for the creation of a task force
24 to conduct a study regarding a statewide teacher evaluation
25 system and a statewide administrator evaluation system; and
26 requires that public school teachers and administrators be
27 evaluated annually rather than every three years; with the
28 first two years' evaluations of teachers conducted by a peer
29 group of teachers, and the third year conducted by at least one
30 person who holds a valid certification issued for successfully
31 completing an evaluator training program. Peer group reviews
32 shall be informal and formative, and cannot be used as the
33 basis for a recommendation that the teacher participate in an
34 intensive assistance program or for compensation, promotion,
35 layoff, or termination purposes.



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1 The bill sets out the minimum components of the statewide
2 teacher evaluation system to be used by school districts,
3 charter schools, and accredited nonpublic schools. The
4 components include direct observation of classroom teaching
5 behaviors, balanced consideration of student outcome measures,
6 integration of the Iowa teaching standards, and system
7 applicability to teachers in all content areas taught in a
8 school.

9 The statewide educator evaluation system task force
10 must submit its findings, recommendations, and a proposal
11 for a statewide teacher evaluation system and a statewide
12 administrator evaluation system to the general assembly
13 by October 15, 2012. The task force must include a tiered
14 evaluation system differentiating levels of teacher
15 effectiveness in its recommendations and proposal.

16 The bill requires the department of education, in
17 collaboration with the board of educational examiners and
18 the postsecondary institutions with approved administrator
19 preparation programs located in this state, to convene an
20 administrator preparation and licensure review task force to
21 identify and recommend measures to improve Iowa's administrator
22 preparation and licensure practices; requires the department
23 to convene an Iowa teaching standards and criteria review
24 task force to identify and recommend measures to improve
25 the Iowa teaching standards and criteria, and the educator
26 evaluations conducted based on the Iowa teaching standards;
27 requires teacher quality committees to meet at least quarterly
28 and provide leadership in the development and adoption of
29 professional development plans and activities, and engage in
30 leading knowledgeable and responsive professional development
31 for the school district or area education agency; directs the
32 department to coordinate a statewide network of professional
33 development for Iowa teachers which collaborates with teacher
34 quality committees and annually provides the committees with
35 best practices in professional development that address unique

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1 local needs and school district learning goals identified
2 by local school boards, administrators, and teacher quality
3 committees; and requires school districts to set aside not less
4 than two hours per instructional week to allow practitioners to
5 collaborate with each other to deliver educational programs and
6 assess student learning.

7 The administrator preparation and licensure review task
8 force must identify measures to increase the quality of the
9 administrator mentoring and induction experience; determine
10 a timeline and identify barriers to incorporating into the
11 requirements for administrator preparation program approval
12 research-based practices that promote student achievement;
13 identify the necessary components of separate license and
14 endorsement requirements for principals at the prekindergarten
15 through grade 6 level and at the grade 7 through 12 level; and
16 identify the components necessary for endorsements in certain
17 specialty areas.

18 The task force shall consist of teachers, administrators,
19 and representatives of the department of education, the board
20 of educational examiners, school administrators of Iowa,
21 and approved practitioner preparation institutions. The
22 department, the board, and the postsecondary institutions
23 with approved administrator preparation programs located in
24 this state may mutually agree to appoint other education
25 stakeholders as task force members.

26 The task force shall meet quarterly and shall submit its
27 findings and recommendations, including recommendations
28 for changes to the Iowa Code as appropriate, to the general
29 assembly by November 15, 2013.

30 The Iowa teaching standards and criteria review task force,
31 mentioned earlier, shall consist of teachers, administrators,
32 and representatives of the department of education, the
33 board of educational examiners, an organization representing
34 teachers, accredited institutions of higher education, and
35 any other appropriate educational stakeholders. The task



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1 force shall submit its findings and recommendations, including
2 recommendations for changes to the Iowa Code as appropriate, to
3 the general assembly by November 15, 2012.

4 The bill repeals a Code provision that established a career
5 ladder pilot program to be administered by the department of
6 education from 2007 through 2009. The final report on the
7 pilot program was submitted to the general assembly in March
8 2010.

9 DIVISION V — TOBACCO PROHIBITED ON SCHOOL GROUNDS. The bill
10 provides that the use of nicotine products by any student, or
11 by anyone on school grounds, is prohibited. For a violation of
12 the provision, the school board may suspend or expel a student,
13 may remove a person, and may bar the person's future presence
14 on school grounds.

15 The bill defines "nicotine product" as any product
16 containing nicotine or any other preparation of tobacco
17 not described in Code section 453A.1, and any product or
18 formulation of matter containing biologically active amounts
19 of nicotine that is manufactured, sold, offered for sale, or
20 otherwise distributed with the expectation that the product
21 or matter will be introduced into the human body. "Nicotine
22 product" does not include any cessation product specifically
23 approved by the United States food and drug administration for
24 use in reducing, treating, or eliminating nicotine or tobacco
25 dependence.

26 DIVISION VI — ONLINE LEARNING. The bill relates to the
27 development, establishment, and approval of learning programs
28 delivered online by school districts, charter schools, and
29 accredited nonpublic schools.

30 The bill requires the director of the department of
31 education to develop and establish an online learning program
32 model that meets the telecommunications-related requirements of
33 Code section 256.7, subsections 7, 8, and 9. The bill amends
34 those subsections to provide that the current requirements for
35 telecommunications apply to educational instruction and content

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1 delivery primarily over the internet, but adds that such
2 coursework must be rigorously aligned to the core curriculum
3 and core content standards.

4 The bill specifies that rules adopted by the state board of
5 education provide that not more than 50 percent of a student's
6 coursework may be delivered over the internet except when it
7 is medically necessary for a student to take an extended leave
8 of absence from the classroom.

9 The bill establishes an Iowa learning online initiative
10 within the department of education to partner with school
11 districts to provide distance education to high school students
12 statewide. Under the initiative, students are enrolled in
13 a participating school district, which is responsible for
14 recording grades received for initiative coursework in a
15 student's permanent record, awarding high school credit for
16 initiative coursework, and issuing high school diplomas to
17 students enrolled in the district who completed coursework
18 under the initiative. Each participating school shall identify
19 a site coordinator to serve as a student advocate and as a
20 liaison between the initiative staff and teachers and the
21 school district.

22 Coursework offered under the initiative shall be rigorous
23 and high quality, and the department shall annually evaluate
24 the quality of the courses, ensure that coursework is aligned
25 with the state's core curriculum and core content requirements
26 and standards, as well as national standards of quality
27 for online courses issued by an internationally recognized
28 association for kindergarten through grade 12 online learning.

29 The bill makes conforming changes.

30 DIVISION VII — BOARD OF EDUCATIONAL EXAMINERS PROVISIONS.
31 The bill provides that the governor appoints the executive
32 director of the board of educational examiners subject to
33 confirmation by the senate. The executive director shall
34 possess a background in education licensure and administrative
35 experience and shall serve at the pleasure of the governor.

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1 Currently the director is hired by the board.

2 The bill increases the duration of the student teaching
3 experience to 14 weeks from 12, and requires the practitioner
4 preparation program to make every reasonable effort to offer
5 the experience prior to the student's last semester in the
6 program, and to expand the student teaching opportunities
7 beyond one semester.

8 DIVISION VIII — SCHOOL ADMINISTRATION MANAGER. The bill
9 provides for the authorization of individuals to act as school
10 administration managers who successfully complete training
11 and meet board of educational examiners standards in order to
12 assist school principals in performing noninstructional duties.

13 DIVISION IX — STATE BOARD OF REGENTS PROVISIONS. The bill
14 directs the state board of regents to develop a program for
15 implementing continuous improvement methodologies in every
16 undergraduate course offered by the regents universities. For
17 courses with enrollments of 300 or more annually, whether in
18 one or multiple sections, continuous improvement plans shall
19 be developed and implemented beginning in the fall semester of
20 2013. The board shall annually evaluate the effectiveness of
21 the methodologies and plans and shall submit its findings and
22 recommendations in a report to the general assembly by November
23 1.

24 Beginning December 1, 2012, the state board must conduct
25 annually a study relating to the admission requirements common
26 to the state universities' practitioner preparation programs
27 and the cumulative grade point averages of all students
28 entering and exiting the programs. The board must make
29 every reasonable effort to coordinate with accredited private
30 institutions to include student data for those institutions.
31 The study shall include, as applicable, the progress of
32 such students toward meeting student teaching and graduation
33 requirements, success in obtaining teaching licenses, knowledge
34 of content areas, and employment as practitioners in this
35 state. The board shall submit its findings and recommendations

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1 to the general assembly by December 1 annually.

2 The bill establishes a science, technology, engineering, and
3 mathematics (STEM) collaborative initiative at the university
4 of northern Iowa for purposes of supporting activities directly
5 related to recruitment of prekindergarten through grade 12
6 mathematics and science teacher for ongoing mathematics and
7 science programming for students enrolled in prekindergarten
8 through grade 12. The collaborative initiative shall
9 prioritize student interest in achievement in STEM areas;
10 reach every student and teacher in every school district in
11 the state; identify, recruit, prepare, and support the best
12 mathematics and science teachers, and to sustain exemplary
13 programs through the university's Iowa mathematics and science
14 education partnership. The university shall collaborate with
15 the community colleges to develop STEM professional development
16 programs for community college instructors and for purposes of
17 STEM curricula development.

18 Subject to an appropriation of sufficient funds by the
19 general assembly, the initiative shall administer regional
20 STEM networks for Iowa; a focused array of the best STEM
21 enrichment opportunities; and statewide STEM programming
22 designed to increase participation of students and teachers
23 in successful learning experiences, to increase the number
24 of science, technology, engineering, and mathematics-related
25 teaching majors offered by the state's universities, to
26 elevate public awareness of the opportunities, and to increase
27 collaboration and partnerships. The initiative shall evaluate
28 the effectiveness of programming to document best practices.

29 DIVISION X — NATIONAL BOARD FOR PROFESSIONAL TEACHING
30 STANDARDS AWARDS. The bill eliminates the end dates for
31 the national board for professional teaching standards
32 certification one-time reimbursement awards and the annual
33 awards. The term of eligibility for the annual award is 10
34 years or for the years in which the individual maintains a
35 valid certificate, whichever time period is shorter.

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1 DIVISION XI — EARLY CHILDHOOD LITERACY. The bill provides
2 for early grade student assessments for reading deficiencies
3 and parental notification of reading deficiencies.

4 The bill requires the state board of education to adopt
5 guidelines by July 1, 2013, for implementation of the new
6 Code provision established by the bill relating to student
7 progression, retention, and remedial instruction, including
8 but not limited to basic levels of reading proficiency
9 on approved assessments and identification of tools that
10 school districts may use in evaluating and reevaluating any
11 student who may be or who is determined to be deficient in
12 reading, including but not limited to initial assessments and
13 subsequent assessments, alternative assessments, and portfolio
14 reviews. The state board must adopt standards that provide a
15 reasonable expectation that a student's progress toward reading
16 proficiency is sufficient to master appropriate grade four
17 level reading skills prior to the student's promotion to grade
18 four.

19 The director of the department of education is required to
20 establish, subject to an appropriation of state funds, an Iowa
21 reading research center for the application of current research
22 on literacy.

23 School districts must administer a kindergarten readiness
24 assessment prescribed by the department to every resident
25 prekindergarten and four-year-old who is enrolled in the
26 district, and must provide intensive reading instruction to
27 students who exhibit a substantial deficiency in reading, based
28 upon locally determined or statewide assessments conducted
29 in kindergarten or grade one, grade two, or grade three,
30 or through teacher observations. The student's reading
31 proficiency shall be reassessed following the intensive reading
32 instruction. The student shall continue to be provided with
33 intensive reading instruction until the reading deficiency is
34 remedied.

35 School districts must notify at least annually, in writing,

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1 the parent or guardian of a student who exhibits a substantial
2 deficiency in reading, the district's determination that
3 the child is deficient in reading, descriptions of the
4 services currently provided to the child and of the proposed
5 supplemental instructional services and supports that the
6 school district will provide to the child to remediate the
7 deficiency; and strategies for parents and guardians to use in
8 helping the child succeed in reading proficiency.

9 The intensive supports that a school district must provide
10 free of charge include a minimum of a 90-minute block of
11 scientific-research-based reading instruction and other
12 strategies which may include but are not limited to small group
13 instruction; reduced teacher-student ratios; more frequent
14 progress monitoring; tutoring or mentoring; extended school
15 day, week, or year; and summer reading programs.

16 At regular intervals, the school district shall provide
17 a report to the parent or guardian apprising the parent or
18 guardian of academic and other progress being made by the
19 student and giving other useful information.

20 In addition to required reading enhancement and acceleration
21 strategies, school districts must provide parents and guardians
22 of reading-deficient students with instructional options
23 such as a plan outlined in a parental contract, including
24 participation in regular parent-guided home reading.

25 School districts must also establish a reading enhancement
26 and acceleration development initiative designed to offer
27 intensive accelerated reading instruction to each kindergarten
28 through grade three student who is assessed as exhibiting
29 a substantial deficiency in reading. The initiative shall
30 measure phonemic awareness, phonics, fluency, vocabulary, and
31 comprehension; be provided during regular school hours in
32 addition to regular reading instruction; provide a reading
33 curriculum that meets the state board's guidelines and, at
34 a minimum, assists students in developing the ability to
35 read at grade level; provide skill development in phonemic

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1 awareness, phonics, fluency, vocabulary, and comprehension;
2 include scientifically based and reliable assessment; and
3 provide initial and ongoing analysis of each student's reading
4 progress; be implemented during regular school hours; and
5 provide a curriculum in core academic subjects to assist the
6 student in maintaining or meeting proficiency levels for the
7 appropriate grade in all academic subjects.

8 Each school district shall report to the department
9 the specific intensive reading interventions and supports
10 implemented by the school district.

11 DIVISION XII — INSTRUCTIONAL TIME PILOT PROJECT. The bill
12 establishes an instructional time pilot project to study the
13 effectiveness of extra instructional time for prekindergarten
14 through grade 12. The project begins July 1, 2013, and shall
15 be administered by the department of education.

16 The bill requires the department of education to establish
17 an application process for school districts for the
18 instructional time pilot project. The bill provides that
19 applications shall be submitted to the department by October
20 1, 2012, and approved or denied by December 1, 2012. The bill
21 provides that an application shall include a description of the
22 student populations and schools to be included in the project
23 and the specific goals regarding increased effectiveness
24 in education the school district has for the project. The
25 bill requires the department to develop a method for scoring
26 applications for the project from school districts.

27 The bill includes restrictions on the number of students who
28 may participate in the project statewide and per district.

29 The bill provides that notwithstanding any other provision
30 of law to the contrary, for the purposes of a student
31 participating in the instructional time pilot project, the
32 school year for a school district shall begin on July 1 and end
33 on July 30 and each school calendar shall include not less than
34 1,045 hours of instruction during the school calendar year,
35 with instructional hours defined as time spent with a licensed

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1 teacher with certain exceptions.

2 The bill requires the department of education to submit an
3 annual report on the instructional time pilot project to the
4 general assembly. The bill requires the department to adopt
5 rules necessary to administer the bill.

6 The bill provides that for the purpose of state education
7 funding per student for school districts, students who
8 participate in the instructional time pilot project are
9 assigned a supplementary weighting of five one-hundredths.

10 The bill's provisions relating to the pilot project are
11 repealed June 30, 2016.

12 DIVISION XIII — PARENT LIAISON COUNSELOR PILOT PROGRAM.

13 The bill establishes a parent liaison counselor pilot program
14 to be administered by the department of education. The
15 bill requires an attendance center in a school district
16 identified by the department of education as a persistently
17 lowest-achieving school to employ one parent liaison counselor.
18 A parent liaison counselor shall be a licensed teacher,
19 guidance counselor, or social worker.

20 A parent liaison counselor is required to meet and work
21 with targeted students and the parents of targeted students,
22 whether at a student's home or in a student's school, regarding
23 course selection, career planning, educational needs which are
24 not being met, special needs, services and resources available
25 outside of school, and any other matters relevant to improving
26 learning and achievement of targeted students. The bill
27 provides that for targeted students in middle school, a parent
28 liaison counselor shall focus primarily on helping with advance
29 planning and course selection for high school.

30 A "targeted student" for the purposes of the bill includes
31 students in special education, students in individualized
32 education programs, students from families with a family income
33 at or below 200 percent of the federal poverty level, students
34 with ongoing attendance issues, and other at-risk student
35 populations identified by the department of education.

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1 The bill requires the department of education to submit an
2 annual report on the parent liaison counselor pilot program
3 to the general assembly by December 15. The bill requires
4 the department to adopt measures necessary to assess the
5 effectiveness of the program.

6 The bill's provisions relating to the pilot program are
7 repealed June 30, 2016.

8 DIVISION XIV — CLASS SHARING AGREEMENTS. The bill
9 expands eligibility for the supplementary weighting plan for
10 district-to-community college sharing and concurrent enrollment
11 programs to allow a school district that collaborates with
12 a community college for a college-level class that uses an
13 activities-based, project-based, and problem-based learning
14 approach and that is offered through a partnership with a
15 nationally recognized provider of rigorous and innovative
16 science, technology, engineering, and mathematics curriculum
17 for schools, which provider is exempt from taxation under
18 section 501(c)(3) of the Internal Revenue Code, to qualify
19 to receive additional weighting for students enrolled in the
20 class.

21 DIVISION XV — PRACTITIONER PREPARATION PROGRAM ASSESSMENTS.
22 The bill requires that institutions with approved practitioner
23 preparation programs must administer a preprofessional skills
24 test, offered by a nationally recognized testing service to
25 practitioner preparation program, to admission candidates.
26 Candidates shall be denied admission if they cannot pass
27 the tests. They must also administer, prior to a student's
28 completion of the program, subject assessments, designed by a
29 nationally recognized testing service, that measure pedagogy
30 and knowledge of at least one subject area. A student shall
31 not successfully complete the program unless the student
32 successfully passes the assessments.

33 DIVISION XVI — STATE MANDATE. The bill may include a state
34 mandate as defined in Code section 25B.3. The bill requires
35 that the state cost of any state mandate included in the bill

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1 be paid by a school district from the state school foundation
2 aid received by the school district under Code section 257.16.
3 The specification is deemed to constitute state compliance with
4 any state mandate funding-related requirements of Code section
5 25B.2.



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Senate File 2285 - Introduced

SENATE FILE 2285
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3153)

(COMPANION TO HF 2326)

A BILL FOR

1 An Act relating to statutory corrections which may adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities, and
6 including effective date and retroactive applicability
7 provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 year in which the appropriation of the surplus existing in the
2 general fund of the state at the conclusion of the prior fiscal
3 year pursuant to paragraph "b" was not sufficient for the cash
4 reserve fund to reach the cash reserve goal percentage for the
5 current fiscal year, there is appropriated from the general
6 fund of the state an amount to be determined as follows:

7 (1) If the balance of the cash reserve fund in the current
8 fiscal year is not more than six and one-half percent of the
9 adjusted revenue estimate for the current fiscal year, the
10 amount of the appropriation under this lettered paragraph is
11 one percent of the adjusted revenue estimate for the current
12 fiscal year.

13 (2) If the balance of the cash reserve fund in the current
14 fiscal year is more than six and one-half percent but less than
15 seven and one-half percent of the adjusted revenue estimate for
16 that fiscal year, the amount of the appropriation under this
17 lettered paragraph is the amount necessary for the cash reserve
18 fund to reach seven and one-half percent of the adjusted
19 revenue estimate for the current fiscal year.

20 (3) The moneys appropriated under this lettered paragraph
21 shall be credited in equal and proportionate amounts in each
22 quarter of the current fiscal year.

23 *b.* The surplus existing in the general fund of the state
24 at the conclusion of the fiscal year is appropriated for
25 distribution in the succeeding fiscal year as provided in
26 subsections 3 2 and 4 3. Moneys credited to the cash reserve
27 fund from the appropriation made in this paragraph shall not
28 exceed the amount necessary for the cash reserve fund to reach
29 the cash reserve goal percentage for the succeeding fiscal
30 year. As used in this paragraph, "surplus" means the excess
31 of revenues and other financing sources over expenditures and
32 other financing uses for the general fund of the state in a
33 fiscal year.

34 *c.* The amount appropriated in this section is not subject
35 to the provisions of section 8.31, relating to requisitions

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1 and allotment, or to section 8.32, relating to conditional
2 availability of appropriations.

3 ~~2. a. There is appropriated from the surplus existing~~
4 ~~in the general fund of the state at the conclusion of the~~
5 ~~fiscal year beginning July 1, 2005, and ending June 30, 2006,~~
6 ~~and at the conclusion of each succeeding fiscal year for~~
7 ~~distribution to the senior living trust fund, an amount equal~~
8 ~~to one percent of the adjusted revenue estimate for the current~~
9 ~~fiscal year. However, if the amount of the surplus existing~~
10 ~~in the general fund of the state at the conclusion of a fiscal~~
11 ~~year is less than two percent of the adjusted revenue estimate~~
12 ~~for that fiscal year, the amount of the appropriation made in~~
13 ~~this paragraph shall be equal to fifty percent of the surplus~~
14 ~~amount. The appropriation made in this paragraph shall be~~
15 ~~distributed to the senior living trust fund in the succeeding~~
16 ~~fiscal year. For the purposes of this subsection, "surplus"~~
17 ~~means the same as defined in subsection 1, paragraph "b".~~

18 ~~b. The appropriation made in paragraph "a" shall be made~~
19 ~~before the appropriations are made pursuant to subsections 1,~~
20 ~~3, and 4, of the surplus existing in the general fund of the~~
21 ~~state at the conclusion of the fiscal year beginning July 1,~~
22 ~~2005, and ending June 30, 2006, and each succeeding fiscal~~
23 ~~year.~~

24 ~~c. The appropriation made in paragraph "a" shall continue~~
25 ~~until the aggregate amount of the appropriations made,~~
26 ~~reverted, or transferred to the senior living trust fund for~~
27 ~~all fiscal years beginning on or after July 1, 2004, pursuant~~
28 ~~to paragraph "a" of this subsection, section 8.55, subsection 2,~~
29 ~~paragraph "b", and any other law providing for an appropriation~~
30 ~~or reversion or transfer of an appropriation to the senior~~
31 ~~living trust fund is equal to three hundred million dollars.~~

32 ~~d. This subsection and section 8.55, subsection 2, paragraph~~
33 ~~"b", are repealed when the aggregate amount specified in~~
34 ~~paragraph "c" has been distributed, appropriated, reverted, or~~
35 ~~transferred to the senior living trust fund. The director of~~

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1 ~~the department of management shall notify the Iowa Code editor~~
 2 ~~when the aggregate amount has been distributed, appropriated,~~
 3 ~~reverted, or transferred.~~

4 ~~3.~~ 2. Moneys appropriated under subsection 1 shall be first
 5 credited to the cash reserve fund. To the extent that moneys
 6 appropriated under subsection 1 would make the moneys in the
 7 cash reserve fund exceed the cash reserve goal percentage of
 8 the adjusted revenue estimate for the fiscal year, the moneys
 9 are appropriated to the department of management to be spent
 10 for the purpose of eliminating Iowa's GAAP deficit, including
 11 the payment of items budgeted in a subsequent fiscal year
 12 which under generally accepted accounting principles should be
 13 budgeted in the current fiscal year. These moneys shall be
 14 deposited into a GAAP deficit reduction account established
 15 within the department of management. The department of
 16 management shall annually file with both houses of the general
 17 assembly at the time of the submission of the governor's
 18 budget, a schedule of the items for which moneys appropriated
 19 under this subsection for the purpose of eliminating Iowa's
 20 GAAP deficit, including the payment of items budgeted in
 21 a subsequent fiscal year which under generally accepted
 22 accounting principles should be budgeted in the current
 23 fiscal year, shall be spent. The schedule shall indicate the
 24 fiscal year in which the spending for an item is to take place
 25 and shall incorporate the items detailed in 1994 Iowa Acts,
 26 chapter 1181, section 17. The schedule shall list each item
 27 of expenditure and the estimated dollar amount of moneys to
 28 be spent on that item for the fiscal year. The department of
 29 management may submit during a regular legislative session an
 30 amended schedule for legislative consideration. If moneys
 31 appropriated under this subsection are not enough to pay for
 32 all listed expenditures, the department of management shall
 33 distribute the payments among the listed expenditure items.
 34 Moneys appropriated to the department of management under
 35 this subsection shall not be spent on items other than those

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1 included in the filed schedule. On September 1 following the
2 close of a fiscal year, moneys in the GAAP deficit reduction
3 account which remain unexpended for items on the filed schedule
4 for the previous fiscal year shall be credited to the Iowa
5 economic emergency fund.

6 ~~4.~~ 3. To the extent that moneys appropriated under
7 subsection 1 exceed the amounts necessary for the cash reserve
8 fund to reach its maximum balance and the amounts necessary to
9 eliminate Iowa's GAAP deficit, including elimination of the
10 making of any appropriation in an incorrect fiscal year, the
11 moneys shall be appropriated to the Iowa economic emergency
12 fund.

13 ~~5.~~ 4. As used in this section, "GAAP" means generally
14 accepted accounting principles as established by the
15 governmental accounting standards board.

16 ~~6.~~ 5. *a.* A rebuild Iowa infrastructure fund is created
17 under the authority of the department of management. The fund
18 shall consist of appropriations made to the fund and transfers
19 of interest, earnings, and moneys from other funds as provided
20 by law. The rebuild Iowa infrastructure fund shall be separate
21 from the general fund of the state and the balance in the
22 rebuild Iowa infrastructure fund shall not be considered part
23 of the balance of the general fund of the state. However, the
24 rebuild Iowa infrastructure fund shall be considered a special
25 account for the purposes of section 8.53, relating to generally
26 accepted accounting principles.

27 *b.* Moneys in the rebuild Iowa infrastructure fund are
28 not subject to section 8.33. Notwithstanding section
29 12C.7, subsection 2, interest or earnings on moneys in the
30 rebuild Iowa infrastructure fund shall be credited to the
31 ~~infrastructure~~ fund. Moneys in the rebuild Iowa infrastructure
32 fund may be used for cash flow purposes during a fiscal year
33 provided that any moneys so allocated are returned to the
34 ~~infrastructure~~ fund by the end of that fiscal year.

35 *c.* Moneys in the rebuild Iowa infrastructure fund in a

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1 fiscal year shall be used as directed by the general assembly
2 for public vertical infrastructure projects. For the purposes
3 of this subsection, "*vertical infrastructure*" includes only land
4 acquisition and construction; major renovation and major repair
5 of buildings; all appurtenant structures; utilities; site
6 development; recreational trails; and debt service payments
7 on academic revenue bonds issued in accordance with chapter
8 262A for capital projects at board of regents institutions.
9 "*Vertical infrastructure*" does not include routine, recurring
10 maintenance or operational expenses or leasing of a building,
11 appurtenant structure, or utility without a lease-purchase
12 agreement.

13 *d.* The general assembly may provide that all or part of the
14 moneys deposited in the GAAP deficit reduction account created
15 in this section shall be transferred to the infrastructure fund
16 in lieu of appropriation of the moneys to the Iowa economic
17 emergency fund.

18 *e.* (1) (a) (i) Notwithstanding provisions to the contrary
19 in sections 99D.17 and 99F.11, for the fiscal year beginning
20 July 1, 2000, and for each fiscal year thereafter, not more
21 than a total of sixty-six million dollars shall be deposited
22 in the general fund of the state in any fiscal year pursuant to
23 sections 99D.17 and 99F.11.

24 (ii) However, in lieu of the deposit in subparagraph
25 subdivision (i), for the fiscal year beginning July 1, 2010,
26 and for each fiscal year thereafter until the principal and
27 interest on all bonds issued by the treasurer of state pursuant
28 to section 12.87 are paid, as determined by the treasurer of
29 state, the first fifty-five million dollars of the moneys
30 directed to be deposited in the general fund of the state
31 under subparagraph subdivision (i) shall be deposited in the
32 revenue bonds debt service fund created in section 12.89, and
33 the next three million seven hundred fifty thousand dollars of
34 the moneys directed to be deposited in the general fund of the
35 state under subparagraph subdivision (i) shall be deposited

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1 in the revenue bonds federal subsidy holdback fund created in
2 section 12.89A, and the next one million two hundred fifty
3 thousand dollars of the moneys directed to be deposited in the
4 general fund of the state under subparagraph subdivision (i)
5 shall be deposited in the general fund of the state.

6 (b) The next fifteen million dollars of the moneys directed
7 to be deposited in the general fund of the state in a fiscal
8 year pursuant to sections 99D.17 and 99F.11 shall be deposited
9 in the vision Iowa fund created in section 12.72 for the fiscal
10 year beginning July 1, 2000, and for each fiscal year through
11 the fiscal year beginning July 1, 2019.

12 (c) The next five million dollars of the moneys directed to
13 be deposited in the general fund of the state in a fiscal year
14 pursuant to sections 99D.17 and 99F.11 shall be deposited in
15 the school infrastructure fund created in section 12.82 for the
16 fiscal year beginning July 1, 2000, and for each fiscal year
17 thereafter until the principal and interest on all bonds issued
18 by the treasurer of state pursuant to section 12.81 are paid,
19 as determined by the treasurer of state.

20 (d) (i) The total moneys in excess of the moneys deposited
21 in the revenue bonds debt service fund, the revenue bonds
22 federal subsidy holdback fund, the vision Iowa fund, the
23 school infrastructure fund, and the general fund of the
24 state in a fiscal year shall be deposited in the rebuild Iowa
25 infrastructure fund and shall be used as provided in this
26 section, notwithstanding section 8.60.

27 (ii) However, in lieu of the deposit in subparagraph
28 subdivision (i), for the fiscal year beginning July 1, 2010,
29 and for each fiscal year thereafter until the principal and
30 interest on all bonds issued by the treasurer of state pursuant
31 to section 12.87 are paid, as determined by the treasurer of
32 state, sixty-four million seven hundred fifty thousand dollars
33 of the excess moneys directed to be deposited in the rebuild
34 Iowa infrastructure fund under subparagraph subdivision (i)
35 shall be deposited in the general fund of the state.

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1 (2) If the total amount of moneys directed to be deposited
2 in the general fund of the state under sections 99D.17 and
3 99F.11 in a fiscal year is less than the total amount of moneys
4 directed to be deposited in the revenue bonds debt service
5 fund and the revenue bonds federal subsidy holdback fund in
6 the fiscal year pursuant to this paragraph "e", the difference
7 shall be paid from moneys deposited in the beer and liquor
8 control fund created in section 123.53 in the manner provided
9 in section 123.53, subsection 3.

10 (3) After the deposit of moneys directed to be deposited in
11 the general fund of the state, the revenue bonds debt service
12 fund, and the revenue bonds federal subsidy holdback fund, as
13 provided in subparagraph (1), subparagraph division (a), if the
14 total amount of moneys directed to be deposited in the general
15 fund of the state under sections 99D.17 and 99F.11 in a fiscal
16 year is less than the total amount of moneys directed to be
17 deposited in the vision Iowa fund and the school infrastructure
18 fund in the fiscal year pursuant to this paragraph "e", the
19 difference shall be paid from lottery revenues in the manner
20 provided in section 99G.39, subsection 3.

21 *f.* There is appropriated from the rebuild Iowa
22 infrastructure fund to the secure an advanced vision for
23 education fund created in section 423F.2, for each fiscal year
24 of the fiscal period beginning July 1, 2008, and ending June
25 30, 2010, the amount of the moneys in excess of the first
26 forty-seven million dollars credited to the rebuild Iowa
27 infrastructure fund during the fiscal year, not to exceed ten
28 million dollars.

29 *g.* Notwithstanding any other provision to the contrary,
30 and prior to the appropriation of moneys from the rebuild Iowa
31 infrastructure fund pursuant to paragraph "c", and section
32 8.57A, subsection 4, moneys shall first be appropriated
33 from the rebuild Iowa infrastructure fund to the vertical
34 infrastructure fund as provided in section 8.57B, subsection 4.

35 *h.* Annually, on or before January 15 of each year, a state

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1 agency that received an appropriation from the rebuild Iowa
 2 infrastructure fund shall report to the legislative services
 3 agency and the department of management the status of all
 4 projects completed or in progress. The report shall include
 5 a description of the project, the progress of work completed,
 6 the total estimated cost of the project, a list of all revenue
 7 sources being used to fund the project, the amount of funds
 8 expended, the amount of funds obligated, and the date the
 9 project was completed or an estimated completion date of the
 10 project, where applicable.

11 *i.* Annually, on or before December 31 of each year, a
 12 recipient of moneys from the rebuild Iowa infrastructure fund
 13 for any purpose shall report to the state agency to which the
 14 moneys are appropriated the status of all projects completed
 15 or in progress. The report shall include a description of the
 16 project, the progress of work completed, the total estimated
 17 cost of the project, a list of all revenue sources being used
 18 to fund the project, the amount of funds expended, the amount
 19 of funds obligated, and the date the project was completed or
 20 an estimated completion date of the project, where applicable.

21 Sec. 3. Section 8A.317, subsection 1, Code Supplement 2011,
 22 is amended to read as follows:

23 1. As used in this section, unless the context otherwise
 24 requires:

25 *a.* "Biobased material" means the same as defined in section
 26 469.31 a material in which carbon is derived in whole or in
 27 part from a renewable resource.

28 *b.* "Biobased product" means a product generated by blending
 29 or assembling of one or more biobased materials, either
 30 exclusively or in combination with nonbiobased materials,
 31 in which the biobased material is present as a quantifiable
 32 portion of the total mass of the product.

33 ~~*c.*~~ *c.* "Designated biobased product" means a biobased
 34 product as defined in section 469.31, and includes a product
 35 determined by the United States department of agriculture to



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1 be a commercial or industrial product, other than food or
2 feed, that is composed, in whole or in significant part, of
3 biological products, including renewable domestic agricultural
4 materials including plant, animal, and marine materials, or
5 forestry materials as provided in 7 U.S.C. § 8102.

6 Sec. 4. Section 11.2, subsection 3, paragraph d, Code
7 Supplement 2011, is amended to read as follows:

8 d. The review of the most recent annual report to
9 shareholders of an open-end management investment company
10 or an unincorporated investment company or investment trust
11 registered with the federal securities and exchange commission
12 under the federal Investment Company Act of 1940, 15 U.S.C.
13 § 80a, pursuant to 17 C.F.R. § 270.30d-1 or the review, by
14 the person performing the audit, of the most recent annual
15 report to shareholders, call reports, or the findings pursuant
16 to a regular examination under state or federal law, to the
17 extent the findings are not confidential, of a bank, savings
18 and loan association, or credit union shall satisfy the review
19 requirements of this ~~paragraph~~ subsection.

20 Sec. 5. Section 11.5A, Code Supplement 2011, is amended to
21 read as follows:

22 **11.5A Audit or examination — costs.**

23 When requested by the auditor of state, the department
24 of management shall transfer from any unappropriated funds
25 in the state treasury an amount not exceeding the expenses
26 and prorated salary costs already paid to perform audits or
27 examinations of state departments and agencies, the offices
28 of the judicial branch, and federal financial assistance as
29 defined in the federal Single Audit Act, 31 U.S.C. § 7501, et
30 seq., received by all other departments, as listed in section
31 11.5B, for which payments by agencies have not been made. Upon
32 payment by the departments, the auditor of state shall credit
33 the payments to the state treasury.

34 Sec. 6. Section 15.107, subsection 1, Code Supplement 2011,
35 is amended to read as follows:

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1 1. The authority shall establish the Iowa innovation
2 corporation as a nonprofit corporation organized under chapter
3 504 and qualifying under section 501(c)(3) of the Internal
4 Revenue Code as an organization exempt from taxation. Unless
5 otherwise provided in this subchapter, the corporation is
6 subject to the provisions of chapter 504. The corporation
7 shall be established for the purpose of receiving and
8 disbursing funds from public or private sources ~~to be used~~ to
9 further the overall development and economic well-being of the
10 state.

11 Sec. 7. Section 15.202, Code Supplement 2011, is amended to
12 read as follows:

13 **15.202 Grants and gifts.**

14 The authority may, ~~with the approval of the director,~~ accept
15 grants and allotments of funds from the federal government
16 and enter into cooperative agreements with the secretary of
17 agriculture of the United States for projects to effectuate any
18 of the purposes of the agricultural marketing program; and may
19 accept grants, gifts, or allotments of funds from any person
20 for the purpose of carrying out the agricultural marketing
21 program. The authority shall make an itemized accounting of
22 such funds to the director at the end of each fiscal year.

23 Sec. 8. Section 15.272, Code Supplement 2011, is amended to
24 read as follows:

25 **15.272 Statewide welcome center program — objectives and
26 agency responsibilities — pilot projects.**

27 The state agencies, as indicated in this section, shall
28 undertake certain specific functions to implement the goals of
29 a statewide program, including the pilot projects, for welcome
30 centers.

31 1. *a.* The department of economic development and the
32 state department of transportation shall jointly establish a
33 statewide long-range plan for developing and operating welcome
34 centers throughout the state. The plan shall be submitted
35 to the general assembly by January 15, 1988. The plan shall

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1 address, but not be limited to, the following:

2 (1) Integrating state, regional, and local tourism and
3 recreation marketing and promotion plans.

4 (2) Recommending a wide range of centers, including
5 state-developed and state-operated to privately managed
6 facilities.

7 (3) Establishing design, service, and maintenance quality
8 standards which all welcome centers will maintain. Included
9 in the standards shall be a provision requiring that space or
10 facilities be available for purposes of displaying and offering
11 for sale Iowa-made products, crafts, and arts. The space
12 or facilities may be operated by the department of economic
13 development or leased to and operated by other persons.

14 (4) Making projections of increased tourist spending,
15 indirect economic benefits, and direct revenue production which
16 are estimated to occur as a result of implementing a statewide
17 welcome center program.

18 (5) Projecting estimated acquisition, construction,
19 exhibit, staffing, and maintenance costs.

20 (6) Integrating electronic data telecommunications systems.

21 (7) Identifying sites for maintaining existing centers as
22 well as locations for new centers.

23 *b.* The departments may enter into contracts for the
24 preparation of the long-range plan. The departments shall
25 involve the department of natural resources and the department
26 of cultural affairs in the preparation of the plan. The
27 recommendations and comments of organizations representing
28 hospitality and tourism services, including but not limited to,
29 the regional tourism councils, convention and visitors bureaus,
30 and the Iowa travel council, and others with interests in this
31 program will be considered for incorporation in the plan.
32 Prior to submission of the plan to the general assembly, the
33 plan shall be submitted to the regional tourism councils, the
34 convention and visitors bureaus, and the Iowa travel council
35 for their comments and criticisms which shall be submitted by

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1 the department of economic development along with the plan to
 2 the general assembly.

3 2. The responsibilities of the authority include the
 4 following:

5 a. Seeing to the acquisition of property and the
 6 construction of all new welcome centers including the pilot
 7 projects selected by the department of economic development
 8 pursuant to paragraph "e". In carrying out this responsibility
 9 the authority may, but is not limited to, the following:

10 (1) Arrange for the state department of transportation to
 11 acquire title to land and buildings for use as and undertake
 12 construction of state-owned welcome centers. In acquiring
 13 property and constructing the welcome centers, including any
 14 pilot projects, the state department of transportation may
 15 use any funds available to it, including but not limited to,
 16 the RISE fund, matching funds from local units of government
 17 or organizations, the primary road fund, federal grants, and
 18 moneys specifically appropriated for these purposes.

19 (2) Contract with other state agencies, local units of
 20 government, or private groups, organizations, or entities for
 21 the use of land, buildings, or facilities as state welcome
 22 centers or in connection with state welcome centers, whether or
 23 not the property is actually owned by the state. If the local
 24 match required for pilot projects or which may be required for
 25 other welcome centers is met by providing land, buildings, or
 26 facilities, the entity providing the local match shall enter
 27 into an agreement with the authority to either transfer title
 28 of the property to the state or to dedicate the use of the
 29 property under the conditions and period of time set by the
 30 authority.

31 b. Providing for the operations, management, and
 32 maintenance of the state-owned and state-operated welcome
 33 centers, including the collection and distribution of
 34 tourism literature, telecommunication services, and other
 35 travel-related services, and the display and offering for sale

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1 of Iowa-made products, crafts, and arts.

2 *c.* Providing, at the discretion of the authority, financial
3 assistance in the form of loans and grants to privately
4 operated information centers to the extent the centers are
5 consistent with the long-range plan.

6 *d.* Developing a common theme or graphic logo which will be
7 identified with all welcome centers which meet the standards of
8 operations established for those centers.

9 *e.* Selecting the sites for the pilot projects. In selecting
10 the pilot project sites, the following apply:

11 (1) Up to three sites may be located in proximity to
12 the interstates and up to three sites may be located in
13 proximity to the other primary roads. The department of
14 economic development shall select at least one site which is in
15 proximity to a primary road which is not an interstate.

16 (2) Proposals for the sites must be submitted prior to
17 September 1, 1987, and shall contain a commitment of at least
18 a one-dollar-per-dollar match of state financial assistance.
19 The local match may be in terms of land, buildings, or other
20 noncash items which are acceptable by the department of
21 economic development.

22 (3) Priority shall be given to proposals that have the best
23 local match, that are to be located where there is a very high
24 number of travelers passing, and for which the department of
25 economic development, after consultation with the departments
26 of transportation, natural resources, and cultural affairs,
27 considers the chances of success to be nearly perfect.

28 (4) The department of economic development shall select the
29 sites by September 15, 1987.

30 Sec. 9. Section 15.292, subsection 6, Code Supplement 2011,
31 is amended to read as follows:

32 6. The ~~board~~ authority may approve, deny, or defer each
33 application for financial assistance from the brownfield
34 redevelopment fund created in section 15.293.

35 Sec. 10. Section 15.293A, subsection 2, paragraph a,



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1 subparagraphs (1) and (2), Code Supplement 2011, are amended
2 to read as follows:

3 (1) The authority shall accept and, in conjunction with
4 the council ~~and the board~~, review applications for tax credits
5 pursuant to this section.

6 (2) Upon review of an application, the authority may
7 register the project under the program. If the authority
8 registers the project, the authority shall, in conjunction with
9 the council ~~and the board~~, make a preliminary determination as
10 to the amount of tax credit for which the investor qualifies.

11 Sec. 11. Section 15.293A, subsection 8, Code Supplement
12 2011, is amended to read as follows:

13 8. A registered project shall be completed within thirty
14 months of the project's approval unless the authority, ~~with the~~
15 ~~approval of the board~~, provides additional time to complete
16 the project. A project shall not be provided more than twelve
17 months of additional time. If the registered project is not
18 completed within the time required, the project is not eligible
19 to claim a tax credit pursuant to this section.

20 Sec. 12. Section 15.294, subsection 4, Code Supplement
21 2011, is amended to read as follows:

22 4. The council, in conjunction with the authority, shall
23 consider applications for redevelopment tax credits as
24 described in sections 15.293A and 15.293B, and may recommend
25 to the ~~board~~ authority which applications to approve and the
26 amount of such tax credits that each project is eligible to
27 receive.

28 Sec. 13. Section 15.301, subsection 2, paragraph b,
29 subparagraphs (1) and (4), Code Supplement 2011, are amended
30 to read as follows:

31 (1) The department of economic development or the authority
32 may designate an organization to administer the provisions of
33 this section on the authority's behalf.

34 (4) An organization designated pursuant to subparagraph (1)
35 may accept, evaluate, and approve applications for financial



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1 assistance from eligible small businesses pursuant to the
2 requirements of this section and may monitor the compliance of
3 eligible businesses with the terms of an agreement entered into
4 with the department or authority.

5 Sec. 14. Section 15.301, subsection 2, paragraph e, Code
6 Supplement 2011, is amended to read as follows:

7 e. The department of economic development, under the terms
8 of an agreement with the organization designated pursuant to
9 paragraph "b", shall begin to provide financial assistance from
10 the fund not later than August 1, 2010, and shall to the extent
11 practicable obligate all available moneys in the fund prior to
12 March 31, 2011.

13 Sec. 15. Section 15.301, subsection 4, unnumbered paragraph
14 1, Code Supplement 2011, is amended to read as follows:

15 Upon approval of the application for financial assistance
16 by the department of economic development, the authority, or
17 an organization designated pursuant to subsection 2, paragraph
18 "b", the eligible business shall enter into an agreement with
19 the department or authority which shall include but not be
20 limited to all of the following provisions:

21 Sec. 16. Section 15.331A, subsection 2, paragraphs a and b,
22 Code 2011, are amended to read as follows:

23 a. The contractor or subcontractor shall state under oath,
24 on forms provided by the department of revenue, the amount of
25 the sales of goods, wares, or merchandise or services rendered,
26 furnished, or performed including water, sewer, gas, and
27 electric utility services upon which sales or use tax has been
28 paid prior to the project completion, and shall file the forms
29 with the eligible business before final settlement is made.

30 b. The eligible business shall, not more than one year
31 after project completion, make application to the department
32 of revenue for any refund of the amount of the sales and use
33 taxes paid pursuant to chapter 423 upon any goods, wares, or
34 merchandise, or services rendered, furnished, or performed,
35 including water, sewer, gas, and electric utility services.

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1 The application shall be made in the manner and upon forms to
2 be provided by the department of revenue, and the department of
3 revenue shall audit the claim and, if approved, issue a warrant
4 to the eligible business in the amount of the sales or use tax
5 which has been paid to the state of Iowa under a contract. A
6 claim filed by the eligible business in accordance with this
7 section shall not be denied by reason of a limitation provision
8 set forth in chapter 421 or 423.

9 Sec. 17. Section 15.411, subsection 9, Code Supplement
10 2011, is amended to read as follows:

11 9. In each fiscal year, the authority may transfer
12 additional moneys that become available to the authority
13 from sources such as loan repayments or recaptures of awards
14 from federal economic stimulus funds to the innovation
15 and commercialization development fund created in section
16 15.412, provided the authority spends those moneys for the
17 implementation of the recommendations included in the separate
18 consultant reports on bioscience, advanced manufacturing,
19 information technology, and entrepreneurship submitted to the
20 department of economic development in calendar years 2004,
21 2005, and 2006.

22 Sec. 18. Section 15E.64, subsection 2, paragraph a, Code
23 Supplement 2011, is amended to read as follows:

24 a. The chairperson of the economic development authority
25 board or a designee of the chairperson.

26 Sec. 19. Section 15E.120, subsection 6, Code Supplement
27 2011, is amended to read as follows:

28 6. On July ~~18~~ 1, 2011, the economic development authority
29 shall assume responsibility for the administration of this
30 section.

31 Sec. 20. Section 15E.193, subsection 1, paragraph b,
32 subparagraph (2), Code Supplement 2011, is amended to read as
33 follows:

34 (2) The authority, ~~upon the recommendation of the~~
35 ~~authority~~, shall adopt rules determining what constitutes a



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1 sufficient package of benefits.

2 Sec. 21. Section 15E.208, subsection 3, paragraph b,
3 subparagraph (2), subparagraph divisions (c) through (e), Code
4 Supplement 2011, are amended to read as follows:

5 (c) Notwithstanding any provision of this division to
6 the contrary, payments on the principal balance of the loan
7 granted by the corporation to an eligible person and assigned
8 to the department of economic development pursuant to this
9 subparagraph during calendar year 2003 shall be deferred until
10 October 1, 2007. The eligible person shall make principal
11 payments to the department of economic development in the
12 amount of one million dollars for each year on October 1,
13 2007, October 1, 2008, and October 1, 2009. The eligible
14 person shall pay the department of economic development four
15 hundred eighty-two thousand seven hundred sixty-one dollars
16 in interest, which shall be deemed to be the total amount of
17 interest accruing on the principal amount of the loan. The
18 eligible person shall pay the interest amount on October 1,
19 2010. Upon the payment of the principal balance of the loan
20 and the accrued interest, the debt shall be retired.

21 (d) Notwithstanding any provision of this division to
22 the contrary, the corporation shall repay the department of
23 economic development, or its successor entity, the principal
24 balance of the Iowa agricultural industry finance loan
25 beginning on October 1, 2007. The principal balance of
26 the loan equals twenty-one million five hundred seventeen
27 thousand two hundred thirty-nine dollars. The corporation
28 shall repay the department of economic development, or its
29 successor entity, five hundred seventeen thousand two hundred
30 thirty-nine dollars by October 1, 2007, and for each subsequent
31 year the corporation shall repay the department, or its
32 successor entity, at least one million dollars by October 1
33 until the total principal balance of the loan is repaid. This
34 subparagraph shall not be construed to limit the authority
35 of the department of economic development, or its successor

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1 entity, to negotiate the payment of interest accruing on
2 the principal balance which shall be paid as provided by an
3 agreement executed by the department of economic development,
4 or its successor entity, and the corporation.

5 (e) Notwithstanding any provision of this division to
6 the contrary, payments of principal and interest of the loan
7 granted by the corporation to an eligible person and assigned
8 to the department of economic development pursuant to this
9 subparagraph during calendar year 2003 which were deferred
10 pursuant to subparagraph division (c) shall be forgiven and the
11 total debt, including interest, shall be retired.

12 Sec. 22. Section 15E.351, subsection 1, Code Supplement
13 2011, is amended to read as follows:

14 1. The ~~economic development~~ authority shall establish and
15 administer a business accelerator program to provide financial
16 assistance for the establishment and operation of a business
17 accelerator for technology-based, value-added agricultural,
18 information solutions, alternative and renewable energy
19 including the alternative and renewable energy sectors listed
20 in section 476.42, subsection 1, paragraph "a", subparagraph
21 (1), or advanced manufacturing start-up businesses or for a
22 satellite of an existing business accelerator. The program
23 shall be designed to foster the accelerated growth of new
24 and existing businesses through the provision of technical
25 assistance. The ~~economic development~~ authority may provide
26 financial assistance under this section from moneys allocated
27 for regional financial assistance pursuant to section 15G.111,
28 subsection 9.

29 Sec. 23. Section 15E.351, subsection 2, paragraph h, Code
30 Supplement 2011, is amended to read as follows:

31 h. The business accelerator must possess the willingness to
32 accept referrals from the ~~economic development~~ authority.

33 Sec. 24. Section 15G.111, subsection 2, paragraphs c and d,
34 Code Supplement 2011, are amended to read as follows:

35 c. Of the moneys accruing to the fund pursuant to



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1 subsection 1, paragraph ~~"c"~~, the authority, ~~with the approval~~
2 ~~of the authority~~, may allocate an amount necessary to fund
3 administrative and operations costs. An allocation pursuant to
4 this paragraph may be made in addition to any allocations made
5 pursuant to subsection 4, paragraph "a".

6 *d.* Of the moneys transferred to the fund pursuant to 2009
7 Iowa Acts, chapter 123, section 9, the authority, ~~with the~~
8 ~~approval of the authority~~, may allocate an amount necessary
9 to fund administrative and operations costs. An allocation
10 pursuant to this paragraph may be made in addition to any
11 allocations made pursuant to subsection 4, paragraph "a".

12 Sec. 25. Section 15G.112, subsection 1, paragraph b, Code
13 Supplement 2011, is amended to read as follows:

14 *b.* The program shall consist of the components described
15 in subsections 4 through 9. Each fiscal year, the authority,
16 ~~with the approval of the authority~~, shall allocate an amount of
17 financial assistance from the fund that may be awarded under
18 each component of the program to qualifying applicants.

19 Sec. 26. Section 15G.112, subsection 1, paragraph d,
20 unnumbered paragraph 1, Code Supplement 2011, is amended to
21 read as follows:

22 For each award of financial assistance under the program,
23 the authority and the recipient of the financial assistance
24 shall enter into an agreement describing the terms and
25 obligations under which the financial assistance is being
26 provided. The authority may negotiate, ~~subject to approval by~~
27 ~~the authority~~, the terms and obligations of the agreement. An
28 agreement shall contain but need not be limited to all of the
29 following terms and obligations:

30 Sec. 27. Section 15G.112, subsection 4, paragraph a,
31 subparagraph (2), Code Supplement 2011, is amended to read as
32 follows:

33 (2) The business shall provide a sufficient package of
34 benefits to each employee holding a created or retained job.
35 The authority, ~~at the recommendation of the authority~~, shall



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1 adopt rules determining what constitutes a sufficient package
2 of benefits.

3 Sec. 28. Section 15G.112, subsection 5, paragraph b, Code
4 Supplement 2011, is amended to read as follows:

5 b. The business shall provide a sufficient package of
6 benefits to each employee holding a created or retained job.
7 ~~The authority, at the recommendation of the authority,~~ shall
8 adopt rules determining what constitutes a sufficient package
9 of benefits.

10 Sec. 29. Section 15G.113, subsection 1, Code Supplement
11 2011, is amended to read as follows:

12 1. ~~The authority, with the approval of the authority,~~
13 may award financial assistance from the fund to a business,
14 an individual, a development corporation, a nonprofit
15 organization, an organization established in section 28H.1,
16 or a political subdivision of this state if, in the opinion
17 of the authority, a project presents a unique opportunity for
18 economic development in this state, or if the project addresses
19 a situation constituting a threat to the continued economic
20 prosperity of this state.

21 Sec. 30. Section 15G.114, subsection 1, Code Supplement
22 2011, is amended to read as follows:

23 1. ~~The authority, upon the recommendation of the authority,~~
24 shall adopt rules for the administration of this chapter in
25 accordance with chapter 17A.

26 Sec. 31. Section 15G.115, subsection 1, Code Supplement
27 2011, is amended to read as follows:

28 1. The authority shall accept and process applications for
29 financial assistance under the economic development financial
30 assistance program. After processing the applications, the
31 authority shall prepare them for review by advisory committees
32 and for final action ~~by the authority~~ as described in this
33 section.

34 Sec. 32. Section 15G.115, subsection 3, paragraphs b and d,
35 Code Supplement 2011, are amended to read as follows:

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1 *b.* Consider the recommendation of the ~~due diligence~~
2 ~~committee and the~~ technology commercialization committee on
3 each application for financial assistance, as described in
4 subsection 2, and take final action on each application.

5 *d.* Take final action on any rules ~~recommended by the~~
6 ~~authority~~ for the implementation of the provisions of this
7 chapter.

8 Sec. 33. Section 15H.3, subsection 1, paragraph k, Code
9 Supplement 2011, is amended to read as follows:

10 *k.* Additional ex officio, nonvoting members selected by the
11 commission to the extent that they are not in conflict with the
12 provisions of the National Community Service Trust Act of 1993
13 or any related state or federal legislation.

14 Sec. 34. Section 28N.2, subsection 2, paragraph e, Code
15 Supplement 2011, is amended to read as follows:

16 *e.* Four voting members, each appointed by the heads of the
17 following ~~departments~~ agencies:

- 18 (1) The department of agriculture and land stewardship.
- 19 (2) The department of natural resources.
- 20 (3) The economic development authority.
- 21 (4) The department of transportation.

22 Sec. 35. Section 29C.20B, subsection 1, Code Supplement
23 2011, is amended to read as follows:

24 1. The homeland security and emergency management division
25 shall work with the department of human services and nonprofit,
26 voluntary, and faith-based organizations active in disaster
27 recovery and response ~~in coordination with the department of~~
28 ~~human services~~ to establish a statewide system of disaster
29 case management to be activated following the governor's
30 proclamation of a disaster emergency or the declaration of
31 a major disaster by the president of the United States for
32 individual assistance purposes. Under the system, the homeland
33 security and emergency management division shall coordinate
34 case management services locally through local committees as
35 established in each commission's emergency plan.

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1 Sec. 36. Section 42.4, subsection 8, paragraph b,
2 subparagraph (2), Code 2011, is amended to read as follows:
3 (2) Each holdover senatorial district to which subparagraph
4 (1) is not applicable shall elect a senator in the year ending
5 in two for a two-year term commencing in January of the year
6 ending in three. However, if more than one incumbent state
7 senator is residing in a holdover senatorial district on the
8 first Wednesday in February of the year ending in two, and,
9 on or before the ~~first~~ third Wednesday in February of the
10 year ending in two, all but one of the incumbent senators
11 resigns from office effective no later than January of the
12 year ending in three, the remaining incumbent senator shall
13 represent the district in the senate for the general assembly
14 commencing in January of the year ending in three. A copy of
15 each resignation must be filed in the office of the secretary
16 of state no later than five p.m. on the third Wednesday in
17 February of the year ending in two.

18 Sec. 37. Section 46.2A, subsection 8, Code 2011, is amended
19 by striking the subsection.

20 Sec. 38. Section 123.135, subsection 5, Code 2011, is
21 amended to read as follows:

22 5. Notwithstanding any other penalties provided by this
23 chapter, any holder of a certificate of compliance or any
24 class "A" permit holder who violates this chapter or the rules
25 adopted pursuant to this chapter is subject to a civil ~~fine~~
26 penalty not to exceed one thousand dollars or suspension of the
27 holder's certificate or permit for a period not to exceed one
28 year, or both such civil ~~fine~~ penalty and suspension. Civil
29 ~~finer penalties~~ imposed under this section shall be collected
30 and retained by the division.

31 Sec. 39. Section 123.180, subsection 6, Code 2011, is
32 amended to read as follows:

33 6. Regardless of any other penalties provided by this
34 chapter, any holder of a certificate of compliance relating to
35 wine or a class "A" permittee who violates this chapter or the



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1 rules adopted pursuant to this chapter is subject to a civil
 2 fine penalty not to exceed one thousand dollars or subject to
 3 suspension of the certificate of compliance or permit for a
 4 period not to exceed one year, or to both civil fine penalty
 5 and suspension. Civil ~~fin~~es penalties imposed under this
 6 section shall be collected and retained by the division.

7 Sec. 40. Section 125.2, subsection 14, Code Supplement
 8 2011, is amended to read as follows:

9 14. *“Psychiatric advanced registered nurse practitioner”*
 10 means an individual currently licensed as a registered nurse
 11 under chapter 152 or 152E who holds a national certification in
 12 psychiatric mental health care and who is registered with the
 13 board of nursing as an advanced registered nurse practitioner.

14 Sec. 41. Section 125.10, subsections 3, 5, 9, and 17, Code
 15 2011, as amended by 2011 Iowa Acts, chapter 121, section 30,
 16 are amended to read as follows:

17 3. Coordinate the efforts and enlist the assistance of all
 18 public and private agencies, organizations and individuals
 19 interested in the prevention of substance ~~abuse~~ misuse and the
 20 treatment of persons with substance-related disorders.

21 5. Cooperate with the department of education, boards
 22 of education, schools, police departments, courts, and other
 23 public and private agencies, organizations, and individuals in
 24 establishing programs for the prevention of substance ~~abuse~~
 25 misuse and the treatment of persons with substance-related
 26 disorders, and in preparing relevant curriculum materials for
 27 use at all levels of school education.

28 9. Sponsor and implement research in cooperation with local
 29 treatment programs into the causes and nature of substance
 30 misuse and treatment of persons with substance-related
 31 disorders, and serve as a clearing house for information
 32 relating to substance ~~abuse~~ misuse.

33 17. Review all state health, welfare, education and
 34 treatment proposals to be submitted for federal funding under
 35 federal legislation, and advise the governor on provisions to



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1 be included relating to substance ~~abuse~~ misuse, and persons
2 with substance-related disorders.

3 Sec. 42. Section 125.43A, Code 2011, as amended by 2011 Iowa
4 Acts, chapter 121, section 39, is amended to read as follows:

5 **125.43A Prescreening — exception.**

6 Except in cases of medical emergency or court-ordered
7 admissions, a person shall be admitted to a state mental health
8 institute for ~~substance-abuse~~ treatment of a substance-related
9 disorder only after a preliminary intake and assessment by a
10 department-licensed treatment facility or a hospital providing
11 care or treatment for persons with substance-related disorders
12 licensed under chapter 135B and accredited by the joint
13 commission on the accreditation of health care organizations,
14 the commission on accreditation of rehabilitation facilities,
15 the American osteopathic association, or another recognized
16 organization approved by the board, or by a designee of a
17 department-licensed treatment facility or a hospital other
18 than a state mental health institute, which confirms that
19 the admission is appropriate to the person's ~~substance~~
20 abuse substance-related disorder service needs. A county
21 board of supervisors may seek an admission of a patient to a
22 state mental health institute who has not been confirmed for
23 appropriate admission and the county shall be responsible for
24 one hundred percent of the cost of treatment and services of
25 the patient.

26 Sec. 43. Section 125.83, Code 2011, as amended by 2011 Iowa
27 Acts, chapter 121, section 47, is amended to read as follows:

28 **125.83 Placement for evaluation.**

29 If upon completion of the commitment hearing, the court
30 finds that the contention that the respondent is a person with
31 a substance-related disorder has been sustained by clear and
32 convincing evidence, the court shall order the respondent
33 placed at a facility or under the care of a suitable facility
34 on an outpatient basis as expeditiously as possible for a
35 complete evaluation and appropriate treatment. The court shall

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1 furnish to the facility at the time of admission or outpatient
 2 placement, a written statement of facts setting forth the
 3 evidence on which the finding is based. The administrator of
 4 the facility shall report to the court no more than fifteen
 5 days after the individual is admitted to or placed under the
 6 care of the facility, which shall include the chief medical
 7 officer's recommendation concerning ~~substance abuse~~ treatment
 8 of a substance-related disorder. An extension of time may be
 9 granted for a period not to exceed seven days upon a showing
 10 of good cause. A copy of the report shall be sent to the
 11 respondent's attorney who may contest the need for an extension
 12 of time if one is requested. If the request is contested, the
 13 court shall make an inquiry as it deems appropriate and may
 14 either order the respondent released from the facility or grant
 15 extension of time for further evaluation. If the administrator
 16 fails to report to the court within fifteen days after the
 17 individual is admitted to the facility, and no extension
 18 of time has been requested, the administrator is guilty of
 19 contempt and shall be punished under chapter 665. The court
 20 shall order a rehearing on the application to determine whether
 21 the respondent should continue to be held at the facility.

22 Sec. 44. Section 125.91, subsections 2 and 3, Code 2011, as
 23 amended by 2011 Iowa Acts, chapter 121, section 50, are amended
 24 to read as follows:

25 2. a. A peace officer who has reasonable grounds to
 26 believe that the circumstances described in subsection 1 are
 27 applicable may, without a warrant, take or cause that person
 28 to be taken to the nearest available facility referred to in
 29 section 125.81, subsection 2, paragraph "b" or "c". Such a
 30 person with a substance-related disorder due to intoxication
 31 or substance-induced incapacitation who also demonstrates
 32 a significant degree of distress or dysfunction may also
 33 be delivered to a facility by someone other than a peace
 34 officer upon a showing of reasonable grounds. Upon delivery
 35 of the person to a facility under this section, the ~~examining~~



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1 attending physician may order treatment of the person, but
2 only to the extent necessary to preserve the person's life
3 or to appropriately control the person's behavior if the
4 behavior is likely to result in physical injury to the person
5 or others if allowed to continue. The peace officer or other
6 person who delivered the person to the facility shall describe
7 the circumstances of the matter to the ~~examining~~ attending
8 physician. If the person is a peace officer, the peace
9 officer may do so either in person or by written report. If
10 the ~~examining~~ attending physician has reasonable grounds to
11 believe that the circumstances in subsection 1 are applicable,
12 the ~~examining~~ attending physician shall at once communicate
13 with the nearest available magistrate as defined in section
14 801.4, subsection 10. The magistrate shall, based upon the
15 circumstances described by the ~~examining~~ attending physician,
16 give the ~~examining~~ attending physician oral instructions
17 either directing that the person be released forthwith, or
18 authorizing the person's detention in an appropriate facility.
19 The magistrate may also give oral instructions and order that
20 the detained person be transported to an appropriate facility.
21 *b.* If the magistrate orders that the person be detained, the
22 magistrate shall, by the close of business on the next working
23 day, file a written order with the clerk in the county where it
24 is anticipated that an application may be filed under section
25 125.75. The order may be filed by facsimile if necessary. The
26 order shall state the circumstances under which the person
27 was taken into custody or otherwise brought to a facility
28 and the grounds supporting the finding of probable cause to
29 believe that the person is a person with a substance-related
30 disorder likely to result in physical injury to the person or
31 others if not detained. The order shall confirm the oral order
32 authorizing the person's detention including any order given
33 to transport the person to an appropriate facility. The clerk
34 shall provide a copy of that order to the attending physician
35 at the facility to which the person was originally taken, any

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1 subsequent facility to which the person was transported, and
2 to any law enforcement department or ambulance service that
3 transported the person pursuant to the magistrate's order.

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

27 Sec. 45. Section 135.141, subsection 2, paragraph a, Code
28 2011, is amended to read as follows:

29 a. Coordinate with the homeland security and emergency
30 management division of the department of public defense the
31 administration of emergency planning matters which involve
32 the public health, including development, administration, and
33 execution of the public health components of the comprehensive
34 emergency plan and emergency management program pursuant to
35 section 29C.8.



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1 Sec. 46. Section 142A.3, subsection 10, Code Supplement
 2 2011, is amended to read as follows:

3 10. The commission may designate an advisory council. The
 4 commission shall determine the membership and representation
 5 of the advisory council and members of the council shall serve
 6 at the pleasure of the commission. The advisory council may
 7 include representatives of health care provider groups, parent
 8 groups, antitobacco advocacy programs and organizations,
 9 ~~tobacco retailers,~~ research and evaluation experts, and youth
 10 organizers.

11 Sec. 47. Section 152.12, Code 2011, is amended to read as
 12 follows:

13 **152.12 Examination information.**

14 Notwithstanding section 147.21, individual pass or fail
 15 examination results made available from the authorized national
 16 testing agency may be disclosed to the appropriate licensing
 17 authority in another state, the District of Columbia, or a
 18 territory or ~~county~~ country, and the board-approved education
 19 program, for purposes of verifying accuracy of national data
 20 and determining program approval.

21 Sec. 48. Section 173.11, subsection 3, Code Supplement
 22 2011, is amended to read as follows:

23 3. Administer the foundation fund under the control of the
 24 Iowa state fair foundation, ~~in its capacity as the board of~~
 25 ~~the Iowa state fair foundation,~~ as directed by the board in
 26 its capacity as the board of the Iowa state fair foundation.
 27 The treasurer shall administer the fund in accordance with
 28 procedures of the treasurer of state, and maintain a correct
 29 account of receipts and disbursements of assets of the
 30 foundation fund.

31 Sec. 49. Section 226.9C, subsection 2, paragraph c,
 32 subparagraph (1), as enacted by 2011 Iowa Acts, chapter 121,
 33 section 51, is amended to read as follows:

34 (1) Prior to an individual's admission for dual diagnosis
 35 treatment, the individual shall have been prescreened. The



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1 person performing the prescreening shall be either the mental
 2 health professional, as defined in section 228.1, who is
 3 contracting with the county central-point-of-coordination
 4 process to provide the prescreening or a mental health
 5 professional with the requisite qualifications. A mental
 6 health professional with the requisite qualifications shall
 7 meet all of the following qualifications: is a mental health
 8 professional as defined in section 228.1, ~~is a certified~~ an
 9 alcohol and drug counselor certified by the nongovernmental
 10 Iowa board of substance abuse certification, and is employed
 11 by or providing services for a facility, as defined in section
 12 125.2.

13 Sec. 50. Section 230A.106, subsection 2, paragraph c, as
 14 enacted by 2011 Iowa Acts, chapter 121, section 16, is amended
 15 to read as follows:

16 *c. Day treatment, partial hospitalization, or psychosocial*
 17 *rehabilitation services. ~~Such~~ Day treatment, partial*
 18 *hospitalization, or psychosocial rehabilitation services shall*
 19 *be provided as structured day programs in segments of less than*
 20 *twenty-four hours using a multidisciplinary team approach to*
 21 *develop treatment plans that vary in intensity of services*
 22 *and the frequency and duration of services based on the needs*
 23 *of the patient. These services may be provided directly by*
 24 *the center or in collaboration or affiliation with other*
 25 *appropriately accredited providers.*

26 Sec. 51. Section 232.103, subsection 3, Code 2011, is
 27 amended to read as follows:

28 3. A change in the level of care for a child who is subject
 29 to a dispositional order for out-of-home placement requires
 30 modification of the dispositional order. A hearing shall be
 31 held on a motion to terminate or modify a dispositional order
 32 except that a hearing on a motion to terminate or modify an
 33 order may be waived upon agreement by all parties. Reasonable
 34 notice of the hearing shall be given to the parties. The
 35 hearing shall be conducted in accordance with the ~~provisions of~~



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1 procedure established for dispositional hearings under section
 2 232.50, subsection 3.

3 Sec. 52. Section 236.18, Code 2011, is amended to read as
 4 follows:

5 **236.18 Reference to certain criminal provisions.**

6 In addition to the ~~criminal penalties provisions~~ provisions contained
 7 in this chapter, certain criminal penalties and provisions
 8 pertaining to domestic abuse assaults are set forth in chapter
 9 664A and sections 708.2A and 708.2B.

10 Sec. 53. Section 249H.3, subsection 10, Code 2011, is
 11 amended to read as follows:

12 10. *"Persons with disabilities"* means individuals eighteen
 13 years of age or older with ~~disabilities as disability is~~
 14 defined in section 225B.2 mental or physical impairments that
 15 result in significant functional limitation in one or more
 16 areas of major life activity and in the need for specialized
 17 care, treatment, or training services of extended duration.

18 Sec. 54. Section 252B.9, subsection 1, paragraph f,
 19 subparagraph (5), Code 2011, is amended to read as follows:

20 (5) If the person fails to comply with the request or
 21 subpoena, fails to request a conference, and fails to pay a
 22 fine penalty imposed under subparagraph (4), the unit may
 23 petition the district court to compel the person to comply
 24 with this paragraph. If the person objects to imposition of
 25 the fine penalty, the person may seek judicial review by the
 26 district court.

27 Sec. 55. Section 256.32, subsection 2, paragraph d, Code
 28 Supplement 2011, is amended by striking the paragraph.

29 Sec. 56. Section 256I.3, subsection 2, paragraph a, Code
 30 Supplement 2011, is amended to read as follows:

31 a. The board shall consist of twenty-one voting members with
 32 fifteen citizen members and six state agency members. The six
 33 state agency members shall be the directors or their designees
 34 of the following ~~departments~~ agencies: economic development
 35 authority, education, human rights, human services, public



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1 health, and workforce development. The designees of state
2 agency directors shall be selected on an annual basis. The
3 citizen members shall be appointed by the governor, subject to
4 confirmation by the senate. The governor's appointments of
5 citizen members shall be made in a manner so that each of the
6 state's congressional districts is represented by at least two
7 citizen members and so that all the appointments as a whole
8 reflect the ethnic, cultural, social, and economic diversity of
9 the state. A member of the state board shall not be a provider
10 of services or other entity receiving funding through the early
11 childhood Iowa initiative or be employed by such a provider or
12 other entity.

13 Sec. 57. Section 256I.5, subsection 4, paragraph a, Code
14 Supplement 2011, is amended to read as follows:

15 a. Enter into memoranda of agreement with the departments
16 of education, human rights, human services, public health, and
17 workforce development and the economic development authority
18 to formalize the commitments of the respective departments'
19 ~~commitments~~ departments and the authority to collaborating with
20 and integrating a comprehensive early care, education, health,
21 and human services system. Items addressed in the memoranda
22 shall include but are not limited to data sharing and providing
23 staffing to the technical assistance team.

24 Sec. 58. Section 260C.18A, subsection 2, paragraph e, Code
25 Supplement 2011, is amended by striking the paragraph.

26 Sec. 59. Section 261E.8, subsection 3, Code Supplement
27 2011, is amended to read as follows:

28 3. A student may make application to a community college and
29 the school district to allow the student to enroll for college
30 credit in a nonsectarian course offered by the community
31 college. A comparable course, as defined in rules adopted by
32 the board of directors of the school district, must not be
33 offered by the school district or accredited nonpublic school
34 which the student attends. The school board shall annually
35 approve courses to be made available for high school credit



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1 using locally developed criteria that establishes which courses
2 will provide the student with academic rigor and will prepare
3 the student adequately for transition to a postsecondary
4 institution. If ~~an eligible postsecondary institution a~~
5 community college accepts a student for enrollment under
6 this section, the school district, in collaboration with the
7 community college, shall send written notice to the student,
8 the student's parent or legal guardian in the case of a minor
9 child, and the student's school district. The notice shall
10 list the course, the clock hours the student will be attending
11 the course, and the number of hours of college credit that the
12 student will receive from the community college upon successful
13 completion of the course.

14 Sec. 60. Section 267A.2, Code Supplement 2011, is amended
15 to read as follows:

16 **267A.2 Definitions.**

17 As used in this ~~section~~ chapter, unless the context
18 otherwise requires:

- 19 1. "Coordinator" means the local food and farm program
20 coordinator created in section 267A.4.
- 21 2. "Council" means the local food and farm program council
22 established in section 267A.3.
- 23 3. "Department" means the department of agriculture and land
24 stewardship.
- 25 4. "Fund" means the local food and farm program fund created
26 in section 267A.5.

27 Sec. 61. Section 282.1, subsection 1, Code 2011, is amended
28 to read as follows:

- 29 1. Persons between five and twenty-one years of age are of
30 school age. Nonresident children shall be charged the maximum
31 tuition rate as determined in section 282.24, subsection 1,
32 with the exception that those residing temporarily in a school
33 corporation may attend school in the corporation upon terms
34 prescribed by the board. A school district discontinuing
35 grades under section 282.7, subsection 1 or ~~subsections 1 and~~



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1 3, shall be charged tuition as provided in section 282.24,
2 subsection 1.

3 Sec. 62. Section 282.10, subsection 1, Code 2011, is amended
4 to read as follows:

5 1. Whole grade sharing is a procedure used by school
6 districts whereby all or a substantial portion of the pupils in
7 any grade in two or more school districts share an educational
8 program for all or a substantial portion of a school day
9 under a written agreement pursuant to section 256.13, 280.15,
10 or 282.7, subsection 1 or ~~subsections 1 and 3~~. Whole grade
11 sharing may either be one-way or two-way sharing.

12 Sec. 63. Section 282.18, subsection 15, Code 2011, is
13 amended to read as follows:

14 15. a. If a request under this section is for transfer to
15 ~~a laboratory~~ the research and development school, as described
16 in chapter 256G, the student who is the subject of the request
17 shall be included in the basic enrollment of the student's
18 district of residence and the board of directors of the
19 district of residence shall pay to ~~a laboratory~~ the research
20 and development school the state cost per pupil for the
21 previous school year, plus any moneys received for the pupil as
22 a result of the non-English speaking weighting under section
23 280.4, subsection 3, for the previous school year multiplied by
24 the state cost per pupil for the previous year.

25 b. Notwithstanding subsection 7, a district of residence
26 shall not be required to pay the state cost per pupil for a
27 student attending ~~a laboratory~~ the research and development
28 school during the school year beginning July 1, 2010, if
29 the student was not included in the district of residence's
30 enrollment count for funding purposes in the school year
31 beginning July 1, 2009.

32 Sec. 64. Section 306D.2, subsection 1, unnumbered paragraph
33 1, Code Supplement 2011, is amended to read as follows:

34 The state department of transportation shall prepare a
35 statewide, long-range plan for the protection, enhancement,

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1 and identification of highways and secondary roads which pass
2 through unusually scenic areas of the state as identified
3 in section 306D.1. The department of natural resources,
4 department of economic development authority, and department of
5 cultural affairs, private organizations, county conservation
6 boards, city park and recreation departments, and the federal
7 agencies having jurisdiction over land in the state shall be
8 encouraged to assist in preparing the plan. The plan shall be
9 coordinated with the state's open space plan if a state open
10 space plan has been approved by the general assembly. The plan
11 shall include, but is not limited to, the following elements:

12 Sec. 65. Section 321.18, subsection 9, Code 2011, is amended
13 by striking the subsection.

14 Sec. 66. Section 321.180B, subsection 1, paragraph c, Code
15 Supplement 2011, is amended to read as follows:

16 *c.* Except as otherwise provided, a permittee who is less
17 than eighteen years of age and who is operating a motor vehicle
18 must be accompanied by a person issued a driver's license
19 valid for the vehicle operated who is the parent, guardian,
20 or custodian of the permittee, a member of the permittee's
21 immediate family if the family member is at least twenty-one
22 years of age, an approved driver education instructor, a
23 prospective driver education instructor who is enrolled in
24 a practitioner preparation program with a safety education
25 program approved by the state board of education, or a person
26 at least twenty-five years of age if written permission is
27 granted by the parent, guardian, or custodian, and who is
28 actually occupying a seat beside the driver. A permittee shall
29 not operate a motor vehicle if the number of passengers in the
30 motor vehicle exceeds the number of passenger safety belts
31 in the motor vehicle. If the applicant for an instruction
32 permit holds a driver's license issued in this state valid
33 for the operation of a motorized bicycle or a motorcycle, the
34 instruction permit shall be valid for such operation without
35 the requirement of an accompanying person.



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1 Sec. 67. Section 321.186, subsection 3, Code Supplement
2 2011, is amended to read as follows:

3 3. The examination shall include a screening of the
4 applicant's eyesight, a test of the applicant's ability to
5 read and understand highway signs regulating, warning, and
6 directing traffic, a test of the applicant's knowledge of the
7 traffic laws of this state, an actual demonstration of ability
8 to exercise ordinary and reasonable control in the operation
9 of a motor vehicle, and other physical and mental examinations
10 as the department finds necessary to determine the applicant's
11 fitness to operate a motor vehicle safely upon the highways.
12 However, an applicant for a new driver's license ~~other than~~
13 ~~a commercial driver's license~~ need not pass a vision test
14 administered by the department if the applicant files with the
15 department a vision report in accordance with section 321.186A
16 which shows that the applicant's visual acuity level meets or
17 exceeds those required by the department.

18 Sec. 68. Section 331.427, subsection 3, paragraph a, Code
19 2011, is amended to read as follows:

20 a. Expenses of a ~~joint~~ local emergency management commission
21 under chapter 29C.

22 Sec. 69. Section 331.653, subsection 5, Code 2011, is
23 amended to read as follows:

24 5. Serve as a member of the ~~joint~~ local emergency management
25 commission as provided in section 29C.9.

26 Sec. 70. Section 331.756, subsection 4, Code Supplement
27 2011, is amended to read as follows:

28 4. Prosecute misdemeanors under chapter ~~236~~ 664A. The
29 county attorney shall prosecute other misdemeanors when not
30 otherwise engaged in the performance of other official duties.

31 Sec. 71. Section 419.4, subsection 2, Code 2011, is amended
32 to read as follows:

33 2. a. The proceedings under which the bonds are authorized
34 to be issued under the provisions of this chapter, and any
35 mortgage given to secure the same, may contain any agreements



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1 and provisions customarily contained in instruments securing
2 bonds, including ~~r~~ but not limited to:

3 ~~a~~ (1) Provisions respecting custody of the proceeds
4 from the sale of the bonds including their investment and
5 reinvestment until used to defray the cost of the project.

6 ~~b~~ (2) Provisions respecting the fixing and collection of
7 rents or payment with respect to any project covered by such
8 proceedings or mortgage.

9 ~~c~~ (3) The terms to be incorporated in the lease, sale
10 contract, r or loan agreement with respect to such project.

11 ~~d~~ (4) The maintenance and insurance of such project.

12 ~~e~~ (5) The creation, maintenance, custody, investment and
13 reinvestment and use of special funds from the revenues of such
14 project, and

15 ~~f~~ (6) The rights and remedies available in case of a
16 default to the bond holders or to any trustee under the lease,
17 sale contract, loan agreement or mortgage.

18 b. A municipality shall have the power to provide that
19 proceeds from the sale of bonds and special funds from the
20 revenues of the project shall be invested and reinvested in
21 such securities and other investments as shall be provided in
22 the proceedings under which the bonds are authorized to be
23 issued including:

24 (1) obligations issued or guaranteed by the United States;

25 (2) obligations issued or guaranteed by any person
26 controlled or supervised by and acting as an instrumentality of
27 the United States pursuant to authority granted by the Congress
28 of the United States;

29 (3) obligations issued or guaranteed by any state of the
30 United States, or the District of Columbia, or any political
31 subdivision of any such state or district;

32 (4) prime commercial paper;

33 (5) prime finance company paper;

34 (6) bankers' acceptances drawn on and accepted by banks
35 organized under the laws of any state or of the United States;

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1 filing jointly or filing separately on a combined return,
 2 head of household's, or surviving spouse's net income exceeds
 3 thirteen thousand five hundred dollars, the regular tax imposed
 4 under this division shall be the lesser of the maximum state
 5 individual income tax rate times the portion of the net income
 6 in excess of thirteen thousand five hundred dollars or the
 7 regular tax liability computed without regard to this sentence.
 8 Taxpayers electing to file separately shall compute the
 9 alternate tax described in this paragraph using the total net
 10 income of the husband and wife. The alternate tax described
 11 in this paragraph does not apply if one spouse elects to carry
 12 back or carry forward the loss as provided in section 422.9,
 13 subsection 3.

14 Sec. 73. Section 422.7, subsection 51, Code Supplement
 15 2011, is amended to read as follows:

16 51. Subtract, to the extent included, the amount of any
 17 Vietnam Conflict veterans bonus provided pursuant to section
 18 35A.8, subsection 5, ~~and section 35A.8A.~~

19 Sec. 74. Section 422.11S, subsection 7, paragraph a,
 20 subparagraph (2), Code Supplement 2011, is amended to read as
 21 follows:

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

35 Sec. 75. Section 422.11T, Code 2011, is amended to read as



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1 follows:

2 **422.11T Film qualified expenditure tax credit.**

3 The taxes imposed under this division, less the ~~credit~~
4 credits allowed under section 422.12, shall be reduced by a
5 qualified expenditure tax credit authorized pursuant to section
6 15.393, subsection 2, paragraph "a".

7 Sec. 76. Section 422.11U, Code 2011, is amended to read as
8 follows:

9 **422.11U Film investment tax credit.**

10 The taxes imposed under this division, less the ~~credit~~
11 credits allowed under section 422.12, shall be reduced by an
12 investment tax credit authorized pursuant to section 15.393,
13 subsection 2, paragraph "b".

14 Sec. 77. Section 437A.14, subsection 3, Code Supplement
15 2011, is amended to read as follows:

16 3. Unless otherwise expressly permitted by a section
17 referencing this chapter, the kilowatt-hours of electricity or
18 therms of natural gas delivered by a taxpayer in a competitive
19 service area shall not be divulged to any person or entity,
20 other than the taxpayer, the department of revenue, or the
21 internal revenue service for use in a matter unrelated to tax
22 administration. This prohibition precludes persons or entities
23 other than the taxpayer, the department of revenue, or the
24 internal revenue service from obtaining such information from
25 the department of revenue. A subpoena, order, or process which
26 requires the department of revenue to produce such information
27 to a person or entity, other than the taxpayer, the department
28 of revenue, or internal revenue service, for use in a nontax
29 proceeding is void.

30 Sec. 78. Section 445.5, subsection 6, Code Supplement 2011,
31 is amended to read as follows:

32 6. The county treasurer shall deliver to the taxpayer a
33 receipt stating the year of tax, date of payment, a description
34 of the parcel, and the amount of taxes, interest, fees, and
35 costs paid when payment is made by cash tender. A receipt



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1 for other payment tender types shall only be delivered upon
2 request. The receipt shall be in full ~~of~~ for the first half,
3 second half, or full year amounts unless a payment is made
4 under section 445.36A or 435.24, subsection 6.

5 Sec. 79. Section 452A.3, subsection 5, Code 2011, is amended
6 to read as follows:

7 5. a. The tax shall be paid by the following:

8 ~~a.~~ (1) The supplier, upon the invoiced gross gallonage of
9 all motor fuel or undyed special fuel withdrawn from a terminal
10 for delivery in this state.

11 (2) Tax shall not be paid when the sale of alcohol occurs
12 within a terminal from an alcohol manufacturer to an Iowa
13 licensed supplier. The tax shall be paid by the Iowa licensed
14 supplier when the invoiced gross gallonage of the alcohol or
15 the alcohol part of ethanol blended gasoline is withdrawn from
16 a terminal for delivery in this state.

17 ~~b.~~ (3) The person who owns the fuel at the time it is
18 brought into the state by a restrictive supplier or importer,
19 upon the invoiced gross gallonage of motor fuel or undyed
20 special fuel imported.

21 ~~c.~~ (4) The blender on total invoiced gross gallonage of
22 alcohol or other product sold to be blended with gasoline or
23 special fuel.

24 ~~d.~~ (5) Any other person who possesses taxable fuel upon
25 which the tax has not been paid to a licensee.

26 b. ~~However, the~~ The tax shall not be imposed or collected
27 under this division with respect to motor fuel or special fuel
28 sold for export or exported from this state to any other state,
29 territory, or foreign country.

30 Sec. 80. Section 455B.487, Code 2011, is amended to read as
31 follows:

32 **455B.487 Facility acquisition and operation.**

33 1. The commission shall adopt rules establishing criteria
34 for the identification of land areas or sites which are
35 suitable for the operation of facilities for the management



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1 of hazardous and low-level radioactive wastes. Upon request,
2 the department shall assist in locating suitable sites for the
3 location of a facility. The commission may purchase or condemn
4 land to be leased or used for the operation of a facility
5 subject to chapter 6A. Consideration for a contract for
6 purchase of land shall not be in excess of funds appropriated
7 by the general assembly for that purpose. The commission may
8 lease land purchased under this section to any person including
9 the state or a state agency. This section authorizes the state
10 to own or operate hazardous waste facilities and low-level
11 radioactive waste facilities, subject to the approval of the
12 general assembly.

13 2. The purchase, condemnation, use, or lease of land for the
14 management of wastes, shall be approved by the general assembly
15 prior to the purchase, condemnation, use, or lease of the land.

16 3. a. The terms of the lease or contract shall establish
17 responsibility for long-term monitoring and maintenance of the
18 site. The commission shall require that the lessee or operator
19 post bond or provide proof of sufficient insurance coverage,
20 as determined by the commission to be reasonably necessary to
21 protect the state against liabilities arising from the storage
22 of wastes, abandonment of the facility, facility accidents,
23 failure of the facility, or other liabilities which may arise.

24 b. The terms of the lease or contract shall also require
25 that the lessee or operator of the facility pay an annual
26 fee to the state, as established by the commission, to cover
27 facility monitoring costs, and shall require that the lessee
28 or operator establish a long-term monitoring and maintenance
29 fund in which the lessee or operator shall deposit annually an
30 amount specified by the commission. The fund shall be used
31 to pay closure, long-term monitoring and maintenance, and
32 contingency costs.

33 4. The lease agreement or contract shall provide for a
34 local review and monitoring committee established by the
35 county or municipal entity governing the jurisdiction in

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1 which the facility is located. Prior to the approval of a
2 lease agreement or contract the local committee shall review
3 the application of the prospective lessee or operator and
4 shall determine the suitability of the proposed site for
5 the facility. The local committee may inspect the facility
6 during operation and may make recommendations regarding the
7 operation and closure of the facility. The commission shall
8 establish a surtax paid by the lessee or operator of a facility
9 to the local governmental entity, and retained by the local
10 governmental entity in which the facility is located. The
11 lessee or operator of the facility shall provide funding for
12 the implementation of the duties of the local committee.

13 5. The lessee or operator is subject to all applicable
14 permit and licensing requirements. The leasehold interest,
15 including improvements made to the property, shall be listed,
16 assessed, and valued as any other real property as provided by
17 law.

18 6. a. Facilities acquired or operated pursuant to this
19 section shall comply with applicable federal and state
20 statutes, local ordinances, and regulations adopted by
21 regulatory agencies to the extent required by law.

22 ~~The purchase, condemnation, use, or lease of land for the~~
23 ~~management of wastes, shall be approved by the general assembly~~
24 ~~prior to the purchase, condemnation, use, or lease of the land.~~

25 b. Facilities acquired or operated pursuant to this section
26 may be used for regional, statewide or multistate management
27 of wastes.

28 c. Facilities acquired or operated pursuant to this section
29 shall not be used for the purpose of shallow land burial of
30 wastes as a means of disposal.

31 7. An operator of a facility acquired or operated pursuant
32 to this section shall require that a person, prior to the use
33 of the facility, submit proof that reasonable and good faith
34 measures have been taken to reduce the generation of waste.

35 8. A hazardous waste facility acquired or operated pursuant

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1 to this section shall be operated in accordance with the
2 following schedule:

3 ~~1.~~ a. The initial fee paid by a person depositing hazardous
4 waste at the facility shall be increased by ten percent per ton
5 upon receipt of twenty-five percent of the waste capacity of
6 the facility.

7 ~~2.~~ b. The initial fee paid by a person depositing hazardous
8 waste at the facility shall be increased by twenty-five percent
9 per ton upon receipt of fifty percent of the waste capacity of
10 the facility.

11 ~~3.~~ c. Upon receipt of fifty percent of the waste capacity
12 of the facility, the receipt of waste shall be limited to
13 hazardous waste generated within the state of Iowa. If an
14 agreement has been established between the owner or operator of
15 the hazardous waste facility and an out-of-state generator of
16 hazardous waste, this limitation is null and void.

17 Sec. 81. Section 459.501, subsection 5, paragraph b, Code
18 Supplement 2011, is amended to read as follows:

19 b. The department of natural resources shall credit an
20 amount to the fund from which the expense authorized by the
21 executive council as provided in paragraph "a" was appropriated
22 which is equal to an amount ~~allocated~~ authorized for payment
23 to support the livestock remediation fund by the executive
24 council under paragraph "a". However, the department shall only
25 be required to credit the moneys to such fund if the moneys
26 in the livestock remediation fund which are not obligated or
27 encumbered, and not counting the department's estimate of
28 the cost to the livestock remediation fund for pending or
29 unsettled claims, the amount to be allocated to the department
30 of agriculture and land stewardship, and any amount required to
31 be transferred to the fund from which appropriated as described
32 in this paragraph, are in excess of two million five hundred
33 thousand dollars. The department is not required to credit the
34 total amount to the fund from which appropriated as described
35 in this paragraph during any one fiscal year.

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1 Sec. 82. Section 459.502, subsection 2, Code Supplement
 2 2011, is amended to read as follows:

3 2. The department shall deposit moneys collected from
 4 the fees into the livestock remediation fund according to
 5 procedures adopted by the department.

6 Sec. 83. Section 461A.80, Code Supplement 2011, is amended
 7 to read as follows:

8 **461A.80 Public outdoor recreation and resources advisory**
 9 **council.**

10 1. An advisory council for public outdoor recreation and
 11 resources appropriations made for the purposes of section
 12 461A.79 is created. The council shall consist of a public
 13 member appointed by the governor from each congressional
 14 district, the chairperson of the commission, the director, and
 15 a designee of the economic development authority.

16 2. Each county conservation board of those counties which
 17 are located in a congressional district shall nominate one
 18 person from the congressional district for appointment to the
 19 advisory council. The commission shall compile a list of
 20 the nominations of the county conservation boards for each
 21 congressional district and shall provide this list to the
 22 governor. The governor shall appoint one member from each
 23 congressional district from the nominations as provided.
 24 Appointments shall be made for three-year terms beginning July
 25 1 in the year of appointment. A person shall not serve more
 26 than two terms. A vacancy shall be filled for the unexpired
 27 term in the same manner as the original appointment was made.

28 3. No more than three public members shall belong to the
 29 same political party. The council shall elect a chairperson
 30 annually from among the council's members, and the director
 31 shall serve as council secretary. Persons already serving in
 32 an elected or appointed governmental capacity are not eligible
 33 to serve as council members.

34 ~~2.~~ 4. The advisory council shall meet annually, in July,
 35 and upon the call of the chairperson of the advisory council.



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1 The advisory council shall make policy recommendations to
2 the commission regarding the projects and programs to be
3 funded from funds available for public outdoor recreation and
4 resources from appropriations made for the purposes of section
5 461A.79.

6 ~~3. Each county conservation board of those counties which
7 are located in a congressional district shall nominate one
8 person from the congressional district for appointment to the
9 advisory council. The commission shall compile a list of
10 the nominations of the county conservation boards for each
11 congressional district and shall provide this list to the
12 governor. The governor shall appoint one member from each
13 congressional district from the nominations as provided.
14 Appointments shall be made for three year terms beginning July
15 1 in the year of appointment. A person shall not serve more
16 than two terms. A vacancy shall be filled for the unexpired
17 term in the same manner as the original appointment was made.~~

18 5. The public members of the advisory council shall be
19 reimbursed for actual and necessary expenses for each day
20 employed in the official discharge of their duties. The
21 expenses shall be paid from the administration fund of the
22 commission. Each member of the council may also be eligible to
23 receive compensation as provided in section 7E.6.

24 Sec. 84. Section 462A.2, subsection 24, Code Supplement
25 2011, is amended to read as follows:

26 24. *Operate* means to navigate or otherwise use a vessel or
27 motorboat. For the purposes of section 462A.12, subsection
28 2, sections 462A.14, 462A.14A, 462A.14B, 462A.14C, 462A.14D,
29 and 462A.14E, and section 462A.23, subsection 2, paragraph
30 *b*, *operate*, when used in reference to a motorboat, means
31 the motorboat is powered by a motor which is running, and when
32 used in reference to a sailboat, means the sailboat is either
33 powered by a motor which is running, or the sailboat is under
34 way and has sails hoisted and is not propelled by a motor, and
35 is under way.

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1 Sec. 85. Section 465A.2, subsection 1, paragraph b,
 2 unnumbered paragraph 1, Code Supplement 2011, is amended to
 3 read as follows:

4 Prepare a statewide, long-range plan for the acquisition
 5 and protection of significant open space lands throughout the
 6 state as identified in section 465A.1. The department of
 7 transportation, department of economic development authority,
 8 and department of cultural affairs, private organizations,
 9 county conservation boards, city park and recreation
 10 departments, and the federal agencies with lands in the state
 11 shall be directly involved in preparing the plan. The plan
 12 shall include, but is not limited to, the following elements:

13 Sec. 86. Section 466B.3, subsection 4, paragraph m, Code
 14 Supplement 2011, is amended by striking the paragraph.

15 Sec. 87. Section 468.221, subsection 2, paragraph b, Code
 16 Supplement 2011, is amended to read as follows:

17 **b.** If the written communication is to be delivered to a
 18 local government, it may be delivered to the governing body of
 19 the local government. The written communication may also be
 20 delivered to a person designated by the governing body. As
 21 used in this ~~paragraph~~ section, "*local government*" includes
 22 a county, city, township, or any special purpose district or
 23 authority.

24 Sec. 88. Section 473.1, subsections 1 and 6, Code Supplement
 25 2011, are amended to read as follows:

26 1. "*Alternative and renewable energy*" means ~~the same~~
 27 ~~as in section 469.31~~ energy sources including but not
 28 limited to solar, wind turbine, waste management, resource
 29 recovery, recovered energy generation, refuse-derived fuel,
 30 hydroelectric, agricultural crops or residues, hydrogen
 31 produced using renewable fuel sources, and woodburning, or
 32 relating to renewable fuel development and distribution.

33 6. "*Renewable fuel*" means ~~the same as in section 469.31~~ a
 34 fuel that is all of the following:

35 a. A motor vehicle fuel that is any of the following:



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1 (1) Produced from grain; starch; oilseed; vegetable,
 2 animal, or fish materials, including but not limited to fats,
 3 greases, and oil; sugar components, grasses, or potatoes; or
 4 other biomass.

5 (2) Natural gas produced from a biogas source including
 6 but not limited to a landfill, sewage waste treatment plant,
 7 animal feeding operation, or other place where decaying organic
 8 material is found.

9 b. Used to replace or reduce the quantity of fossil fuel
 10 present in a motor fuel mixture used to operate a motor
 11 vehicle.

12 Sec. 89. Section 473.7, subsection 2, Code Supplement 2011,
 13 is amended to read as follows:

14 2. ~~The authority shall collect~~ Collect and analyze data
 15 to use in forecasting future energy demand and supply for
 16 the state. A supplier is required to provide information
 17 pertaining to the supply, storage, distribution, and sale of
 18 energy sources in this state when requested by the authority.
 19 The information shall be of a nature which directly relates
 20 to the supply, storage, distribution, and sale of energy
 21 sources, and shall not include any records, documents, books,
 22 or other data which relate to the financial position of the
 23 supplier. The authority, prior to requiring any supplier to
 24 furnish it with such information, shall make every reasonable
 25 effort to determine if such information is available from any
 26 other governmental source. If it finds such information is
 27 available, the authority shall not require submission of the
 28 information from a supplier. Notwithstanding the provisions of
 29 chapter 22, information and reports obtained under this section
 30 shall be confidential except when used for statistical purposes
 31 without identifying a specific supplier and when release of
 32 the information will not give an advantage to competitors and
 33 serves a public purpose. The authority shall use this data to
 34 conduct energy forecasts.

35 Sec. 90. Section 473.10, subsection 4, Code Supplement

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1 2011, is amended to read as follows:

2 4. The ~~director~~ authority shall adopt rules to implement
3 this section.

4 Sec. 91. Section 476.1C, subsection 1, Code 2011, is amended
5 to read as follows:

6 1. Gas public utilities having fewer than two thousand
7 customers ~~are:~~

8 a. ~~Are~~ not subject to the regulation authority of
9 the utilities board under this chapter unless otherwise
10 specifically provided. Sections 476.10, 476.20, 476.21, and
11 476.51 apply to such gas utilities.

12 ~~b.~~ ~~Gas public utilities having fewer than two thousand~~
13 ~~customers shall~~ Shall be subject to the assessment of fees
14 for the support of the Iowa energy center created in section
15 266.39C and the center for global and regional environmental
16 research created by the state board of regents and shall file
17 energy efficiency plans and energy efficiency results with
18 the board. The energy efficiency plans as a whole shall be
19 cost-effective. The board may waive all or part of the energy
20 efficiency filing requirements if the gas utility demonstrates
21 superior results with existing energy efficiency efforts.

22 ~~c.~~ ~~Gas public utilities having fewer than two thousand~~
23 ~~customers shall~~ Shall keep books, accounts, papers and records
24 accurately and faithfully in the manner and form prescribed by
25 the board. The board may inspect the accounts of the utility
26 at any time.

27 d. (1) ~~A gas public utility having fewer than two thousand~~
28 ~~customers may~~ May make effective a new or changed rate,
29 charge, schedule, or regulation after giving written notice
30 of the proposed new or changed rate, charge, schedule, or
31 regulation to all affected customers served by the public
32 utility. The notice shall inform the customers of their right
33 to petition for a review of the proposal to the utilities
34 board within sixty days after notice is served if the petition
35 contains the signatures of at least one hundred of the gas



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1 utility's customers. The notice shall state the address of the
2 utilities board. The new or changed rate, charge, schedule, or
3 regulation takes effect sixty days after such valid notice is
4 served unless a petition for review of the new or changed rate,
5 charge, schedule, or regulation signed by at least one hundred
6 of the gas utility's customers is filed with the board prior to
7 the expiration of the sixty-day period.

8 (2) If such a valid petition is filed with the board
9 within the sixty-day period, any new or changed rate, charge,
10 schedule, or regulation shall take effect, under bond or
11 corporate undertaking, subject to refund of all amounts
12 collected in excess of those amounts which would have been
13 collected under the rates or charges finally approved by the
14 board. The board shall within five months of the date of
15 filing make a determination of just and reasonable rates based
16 on a review of the proposal, applying established regulatory
17 principles. The board may call upon the gas public utility
18 and its customers to furnish factual evidence in support of or
19 opposition to the new or changed rate, charge, schedule, or
20 regulation. If the gas public utility disputes the finding,
21 the utility may within twenty days file for further review, and
22 the board shall docket the case as a formal proceeding under
23 section 476.6, subsection 4, and set the case for hearing. The
24 gas public utility shall submit factual evidence and written
25 argument in support of the filing.

26 ~~e. A gas public utility having fewer than two thousand~~
27 ~~customers shall~~ Shall not make effective a new or changed rate,
28 charge, schedule, or regulation which relates to services for
29 which a rate change is pending within twelve months following
30 the date the petition to review the prior proposed rate,
31 charge, schedule, or regulation was filed with the board
32 or until the board has made its determination of just and
33 reasonable rates, whichever date is earlier, unless the utility
34 applies to the board for authority and receives authority to
35 make a subsequent rate change at an earlier date.



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1 ~~f. Gas public utilities having fewer than two thousand~~
2 ~~customers shall~~ Shall not make or grant any unreasonable
3 preferences or advantages as to rates or services to any
4 person or subject any person to any unreasonable prejudice
5 or disadvantage. Rates charged by a gas public utility
6 having less than two thousand customers for transportation of
7 customer-owned gas shall not exceed the actual cost of such
8 transportation services including a fair rate of return.

9 Sec. 92. Section 476C.4, subsection 4, paragraph b,
10 subparagraph (2), Code Supplement 2011, is amended to read as
11 follows:

12 (2) The applicant shall, in the application made under this
13 section, identify the equity holders or beneficiaries that
14 are to receive the tax credit certificates and the percentage
15 of the tax credit that is allocable to each equity holder or
16 beneficiary.

17 Sec. 93. Section 483A.24, subsection 1, Code Supplement
18 2011, is amended to read as follows:

19 1. Owners or tenants of land, and their juvenile minor
20 children, may hunt, fish or trap upon such lands and may shoot
21 by lawful means ground squirrels, gophers, or woodchucks upon
22 adjacent roads without securing a license so to do; except,
23 special licenses to hunt deer and wild turkey shall be required
24 of owners and tenants but they shall not be required to have a
25 special wild turkey hunting license to hunt wild turkey on a
26 hunting preserve licensed under chapter 484B.

27 Sec. 94. Section 483A.24, subsection 2, paragraph a,
28 subparagraph (3), subparagraph division (b), Code Supplement
29 2011, is amended to read as follows:

30 (b) An owner does not mean a person who owns a farm unit
31 and who employs a farm manager or third party to operate the
32 farm unit, or a person who owns a farm unit and who rents the
33 entire farm unit to a tenant who is responsible for all farm
34 operations. However, this ~~paragraph~~ subparagraph division does
35 not apply to an owner who is a parent of the tenant and who

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1 resides in this state.

2 Sec. 95. Section 496B.12, Code Supplement 2011, is amended
 3 to read as follows:

4 **496B.12 Articles amended.**

5 1. The articles of incorporation of any development
 6 corporation may be amended by the votes of the shareholders and
 7 the members thereof voting separately by classes.

8 2. Any amendment shall require approval by the affirmative
 9 vote of two-thirds of the votes to which the shareholders shall
 10 be entitled and two-thirds of the votes to which the members
 11 shall be entitled. No amendment, however, shall be made
 12 which: ~~(1)~~

13 a. ~~is~~ Is inconsistent with this chapter~~.~~ ~~(2)~~

14 b. ~~authorizes~~ Authorizes any additional class or classes of
 15 shares of capital stock~~.~~ ~~(3)~~

16 c. ~~eliminates~~ Eliminates or curtails the authority of the
 17 authority with respect to the corporation.

18 3. Without the consent of each of the members affected, no
 19 amendment shall be made which does any of the following: ~~(1)~~

20 a. ~~increases~~ Increases the obligation of a member to make
 21 loans to the corporation~~.~~ ~~(2)~~

22 b. ~~makes~~ Makes any change in the principal amount, interest
 23 rate, maturity date, or in the security or credit position of
 24 any outstanding loan of a member to the corporation~~.~~ ~~(3)~~

25 c. ~~affects~~ Affects a member's right to withdraw from
 26 membership, as provided herein~~, or.~~ ~~(4)~~

27 d. ~~affects~~ Affects a member's voting rights in the
 28 corporation.

29 4. Within thirty days after any meeting at which amendment
 30 of any such articles has been adopted, articles of amendment
 31 signed and sworn to by the president, secretary, and majority
 32 of the directors, setting forth such amendment and the due
 33 adoption thereof, shall be submitted to the director of the
 34 authority who shall examine them, and if the director finds
 35 that they conform to the requirements of this chapter, shall



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1 so certify and endorse the director's approval thereof.
2 Thereupon, the articles of amendment shall be filed in the
3 office of the secretary of state in the manner set forth and
4 as provided in the Iowa business corporation Act, chapter 490,
5 and no such amendment shall take effect until such articles of
6 amendment shall have been approved and filed as aforesaid.

7 5. Within sixty days after the effective date of any
8 legislative amendment affecting the rights and obligations
9 of the members and shareholders or otherwise affecting the
10 articles of incorporation, the approval of such legislative
11 amendments shall be voted on by the shareholders and the
12 members of the development corporation at a meeting duly
13 called for that purpose. If such legislative amendment is not
14 approved by the affirmative vote of two-thirds of the votes to
15 which such shareholders shall be entitled and two-thirds of the
16 votes to which such members shall be entitled, any such member
17 voting against the approval of such legislative amendment shall
18 have the right to withdraw from membership as provided in this
19 chapter.

20 6. Within thirty days after any meeting at which a
21 legislative amendment affecting the articles of incorporation
22 of a development corporation has been voted on, a certificate
23 filed and sworn to by the secretary or other recording officer
24 of such corporation setting forth the action taken at such
25 meeting with respect to such amendment shall be submitted to
26 the director of the authority and upon receipt of such approval
27 shall be filed in the office of the secretary of state.

28 Sec. 96. Section 501A.504, subsection 4, Code Supplement
29 2011, is amended to read as follows:

30 4. *Filing.* An amendment of the articles shall be filed with
31 the secretary as required in section 501A.201. The amendment
32 is effective as provided in subchapter II. After an amendment
33 to the articles of organization has been adopted and approved
34 in the manner required by this chapter and by the articles of
35 organization, the cooperative shall deliver to the secretary of

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1 state for filing articles of amendment which shall set forth
 2 all of the following:

- 3 *a.* The name of the cooperative.
- 4 *b.* The text of each amendment adopted.
- 5 *c.* The date of each amendment's adoption.
- 6 *d.* (1) If the amendment was adopted by the directors ~~or~~
 7 ~~members~~, a statement that the amendment was duly adopted in
 8 the manner required by this chapter and by the articles of
 9 organization and that members' adoption was not required.
- 10 ~~e.~~ (2) If an amendment required adoption by the members, a
 11 statement that the amendment was duly adopted by the members
 12 in the manner required by this chapter and by the articles of
 13 organization.

14 Sec. 97. Section 507B.7, subsection 1, paragraph a, Code
 15 Supplement 2011, is amended to read as follows:

- 16 *a.* Payment of a civil penalty of not more than one thousand
 17 dollars for each act or violation of this subtitle, but not
 18 to exceed an aggregate of ten thousand dollars, unless the
 19 person knew or reasonably should have known the person was in
 20 violation of this subtitle, in which case the penalty shall be
 21 not more than five thousand dollars for each act or violation,
 22 but not to exceed an aggregate penalty of fifty thousand
 23 dollars in any one six-month period. If the commissioner finds
 24 that a violation of this subtitle was directed, encouraged,
 25 condoned, ignored, or ratified by the employer of the person
 26 or by an insurer, the commissioner shall also assess a ~~fine~~
 27 penalty to the employer or insurer.

28 Sec. 98. Section 509.3, subsection 1, paragraph d, Code
 29 2011, is amended to read as follows:

- 30 *d.* A provision that if the insurance on a person or
 31 insurance on a person and the person's dependents covered by
 32 the policy ceases because of termination of employment or of
 33 membership in the class, the person and the person's dependents
 34 may continue their accident or health insurance under the
 35 group policy ~~and may subsequently apply for a converted policy~~

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1 ~~without evidence of insurability, as provided in chapter 509B.~~

2 Sec. 99. Section 514J.108, subsection 1, paragraph c, Code
3 Supplement 2011, is amended to read as follows:

4 c. A final adverse determination that concerns an admission,
5 availability of care, continued stay, or health care service
6 for which the covered person received emergency services, and
7 the covered person has not been discharged from a facility.

8 Sec. 100. Section 515C.2, subsection 1, Code 2011, is
9 amended to read as follows:

10 1. An insurer, in order to qualify for writing mortgage
11 guaranty insurance, must have the same surplus to policyholders
12 as that required of a multiple line company by section ~~515.49,~~
13 ~~subsection 8~~ 515.8.

14 Sec. 101. Section 523C.13, subsection 1, Code Supplement
15 2011, is amended to read as follows:

16 1. Payment of a civil penalty of not more than one thousand
17 dollars for each and every act or violation, but not to exceed
18 an aggregate of ten thousand dollars, unless the person knew
19 or reasonably should have known the person was in violation of
20 this section, in which case the penalty shall be not more than
21 five thousand dollars for each and every act or violation, but
22 not to exceed an aggregate penalty of fifty thousand dollars
23 in any one six-month period. The commissioner shall, if it
24 finds the violations of this section were directed, encouraged,
25 condoned, ignored, or ratified by the employer of such person,
26 assess such ~~fine~~ penalty to the employer and not such person.
27 Any civil penalties collected under this subsection shall be
28 deposited as provided in section 505.7.

29 Sec. 102. Section 524.904, subsection 3, paragraph c, Code
30 Supplement 2011, is amended to read as follows:

31 c. Shipping documents or instruments that secure title
32 to or give a first lien on livestock. At inception, the
33 current value of the livestock securing the loans must equal
34 at least one hundred percent of the amount of the outstanding
35 loans and extensions of credit. For purposes of this section,

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1 "livestock" includes dairy and beef cattle, hogs, sheep, and
2 poultry, whether or not held for resale. For livestock held
3 for resale, current value means the price listed for livestock
4 in a regularly published listing or actual purchase price
5 established by invoice. For livestock not held for resale,
6 the value shall be determined by the local slaughter price.
7 The state bank must maintain in its files evidence of purchase
8 or an inspection and valuation for the livestock pledged that
9 is reasonably current, taking into account the nature and
10 frequency of turnover of the livestock to which the documents
11 relate.

12 Sec. 103. Section 524.904, subsection 5, paragraph c, Code
13 Supplement 2011, is amended to read as follows:

14 c. To demonstrate compliance with this subsection, a state
15 bank shall maintain in its files, at a minimum, all of the
16 following:

17 (1) Documentation demonstrating the current ownership of
18 the borrowing entity.

19 (2) Documentation identifying the persons who have voting
20 rights in the borrowing entity.

21 (3) Documentation identifying the board of directors and
22 senior management of the borrowing entity.

23 (4) The state bank's assessment of the borrowing entity's
24 means of servicing the loan or extension of credit, including
25 specific reasons in support of that assessment. The assessment
26 shall include an analysis of the borrowing entity's financial
27 history, its present and projected economic and financial
28 performance, and the significance of any financial support
29 provided to the borrowing entity by members of the borrowing
30 group and third parties.

31 Sec. 104. Section 524.904, subsection 7, paragraph m, Code
32 Supplement 2011, is amended to read as follows:

33 m. A renewal or restructuring of a loan as a new loan or
34 extension of credit following the exercise by a state bank of
35 reasonable efforts, consistent with safe and sound banking

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1 practices, to bring the loan into conformance with the lending
2 limit, unless new funds are advanced by the state bank to
3 the borrower or unless a new borrower replaces the original
4 borrower or unless the superintendent determines that the
5 renewal or restructuring was undertaken as a means to evade the
6 state bank's lending limit.

7 Sec. 105. Section 568.16, Code Supplement 2011, is amended
8 to read as follows:

9 **568.16 Purchase money refunded.**

10 If the grantee of the state, or the grantee's successors,
11 administrators, or assigns, shall be deprived of the land
12 conveyed by the state under this chapter by the final decree
13 of a court of record for the reason that the conveyance by
14 the state did not pass title to the land described, because
15 title to the land had previously for any reason been vested
16 in others, then the money paid ~~by~~ to the state for the land
17 shall be refunded by the state to the person or persons
18 entitled to the refund, provided the grantee, or the grantee's
19 successors, administrators, or assigns, shall file a certified
20 copy of the transcript of the final decree with the executive
21 council within one year from the date of the issuance of
22 such decree, and shall also file satisfactory proof with the
23 executive council that the action over the title to the land
24 was commenced within ten years from the date of the issuance of
25 patent or deed by the state. The amount of money to be refunded
26 under the provisions of this section shall be authorized
27 and paid by the executive council as an expense from the
28 appropriations addressed in section 7D.29.

29 Sec. 106. Section 602.9202, subsection 4, Code 2011, is
30 amended to read as follows:

31 4. "*Senior judge retirement age*" means seventy-eight years
32 of age or, if the senior judge is reappointed as a senior
33 judge for an additional ~~two-year~~ one-year term upon attaining
34 seventy-eight years of age pursuant to section 602.9203, eighty
35 years of age.

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1 Sec. 107. Section 631.17, subsection 4, Code Supplement
2 2011, is amended to read as follows:

3 4. The district court shall dismiss any case subsequently
4 brought directly or indirectly by a person subject to a bar
5 pursuant to subsection 1 in violation of that subsection and
6 shall assess all costs to that person, and the court shall
7 assess a further civil ~~fine~~ penalty of one hundred dollars
8 against that person for each such case dismissed.

9 Sec. 108. Section 633.3, subsection 8, Code Supplement
10 2011, is amended to read as follows:

11 8. *Costs of administration* — includes court costs,
12 fiduciary's fees, attorney fees, all appraisers' fees, premiums
13 on corporate surety bonds, statutory allowance for support
14 of surviving spouse and children, cost of continuation of
15 abstracts of title, recording fees, transfer fees, transfer
16 taxes, agents' fees allowed by order of court, interest
17 expense, including, but not limited to, interest payable on
18 extension of federal and state estate tax, and all other fees
19 and expenses allowed by order of court in connection with
20 the administration of the estate. Court costs shall include
21 expenses of selling property.

22 Sec. 109. Section 633A.3106, subsection 2, Code Supplement
23 2011, is amended to read as follows:

24 2. For the purposes of this section, a child born after the
25 death of the settlor who would have been entitled to a share
26 of the settlor's probate estate pursuant to section 633.267
27 shall be treated as a child of the settlor ~~for purposes of this~~
28 ~~section.~~

29 Sec. 110. Section 655A.3, subsection 1, paragraph b, Code
30 2011, is amended to read as follows:

31 *b.* The notice shall contain the following in capital letters
32 of the same type or print size as the rest of the notice:

33 WITHIN THIRTY DAYS AFTER YOUR RECEIPT OF THIS NOTICE, YOU
34 MUST EITHER CURE THE DEFAULTS DESCRIBED IN THIS NOTICE OR FILE
35 WITH THE RECORDER OF THE COUNTY WHERE THE MORTGAGED PROPERTY

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1 IS LOCATED A REJECTION OF THIS NOTICE AND SERVE A COPY OF YOUR
2 REJECTION ON THE MORTGAGEE IN THE MANNER PROVIDED BY ~~THE RULES~~
3 ~~OF CIVIL PROCEDURE FOR SERVICE OF ORIGINAL NOTICES~~ IN SECTION
4 655A.4. IF YOU WISH TO REJECT THIS NOTICE, YOU SHOULD CONSULT
5 AN ATTORNEY AS TO THE PROPER MANNER TO MAKE THE REJECTION.

6 IF YOU DO NOT TAKE EITHER OF THE ACTIONS DESCRIBED ABOVE
7 WITHIN THE THIRTY-DAY PERIOD, THE FORECLOSURE WILL BE COMPLETE
8 AND YOU WILL LOSE TITLE TO THE MORTGAGED PROPERTY. AFTER THE
9 FORECLOSURE IS COMPLETE THE DEBT SECURED BY THE MORTGAGED
10 PROPERTY WILL BE EXTINGUISHED.

11 Sec. 111. Section 692A.118, subsections 11 and 12, Code
12 Supplement 2011, are amended to read as follows:

13 11. When the department has a reasonable basis to believe
14 that a sex offender has changed residence to an unknown
15 location, has become a fugitive from justice, or has otherwise
16 taken flight, ~~the department shall~~ make a reasonable effort to
17 ascertain the whereabouts of the offender, and if such effort
18 fails to identify the location of the offender, an appropriate
19 notice shall be made on the sex offender registry internet
20 site of this state and shall be transmitted to the national
21 sex offender registry. The department shall notify other law
22 enforcement agencies as deemed appropriate.

23 12. ~~The department shall notify~~ Notify appropriate law
24 enforcement agencies including the United States marshal
25 service to investigate and verify possible violations. The
26 department shall ensure any warrants for arrest are entered
27 into the Iowa online warrant and articles system and the
28 national crime information center and pursue prosecution of
29 stated violations through state or federal court.

30 Sec. 112. Section 714.27, subsection 2, paragraph a, Code
31 Supplement 2011, is amended to read as follows:

32 a. ~~The identity of~~ Identifying information for the person
33 from whom the salvaged material was received or purchased,
34 including name and address; date of birth; Iowa driver's
35 license number, Iowa nonoperator's identification card



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1 number, or social security number in conjunction with photo
2 identification; sex, age, height, and race.

3 Sec. 113. Section 717F.1, subsection 5, paragraph a,
4 subparagraph (9), Code Supplement 2011, is amended by striking
5 the subparagraph.

6 Sec. 114. Section 717F.1, subsection 5, paragraph a,
7 subparagraph (10), subparagraph division (d), Code Supplement
8 2011, is amended to read as follows:

9 (d) A member of the family elapidae, ~~voperidae~~ viperidae,
10 crotalidae, atractaspidae, or hydrophidae which are venomous,
11 including but not limited to cobras, mambas, coral snakes,
12 kraits, adders, vipers, rattlesnakes, copperheads, pit vipers,
13 keelbacks, cottonmouths, and sea snakes.

14 Sec. 115. Section 717F.8, subsection 2, paragraph j, Code
15 2011, is amended to read as follows:

16 j. Fifty dollars for a member of the family elapidae,
17 ~~voperidae~~ viperidae, crotalidae, atractaspidae, or hydrophidae
18 which are venomous, including but not limited to cobras,
19 mambas, coral snakes, kraits, adders, vipers, rattlesnakes,
20 copperheads, pit vipers, keelbacks, cottonmouths, and sea
21 snakes.

22 Sec. 116. Section 805.8A, subsection 13, paragraph f, Code
23 Supplement 2011, is amended to read as follows:

24 f. For violations of section 327B.1, subsection 1 or ~~2~~ 3,
25 the scheduled fine is two hundred fifty dollars.

26 Sec. 117. Section 811.1, subsection 1, Code Supplement
27 2011, is amended to read as follows:

28 1. A defendant awaiting judgment of conviction and
29 sentencing following either a plea or verdict of guilty of
30 a class "A" felony~~;~~ forcible felony as defined in section
31 702.11~~;~~ any class "B" felony included in section 462A.14 or
32 707.6A; any felony included in section 124.401, subsection
33 1, paragraph "a" or "b"; ~~or~~ a second or subsequent offense
34 under section 124.401, subsection 1, paragraph "c"; any felony
35 punishable under section 902.9, subsection 1; any public



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1 offense committed while detained pursuant to section 229A.5;
 2 or any public offense committed while subject to an order of
 3 commitment pursuant to chapter 229A.

4 Sec. 118. Section 907.5, Code Supplement 2011, is amended
 5 to read as follows:

6 **907.5 Standards for release on probation — written reasons.**

7 1. Before deferring judgment, deferring sentence, or
 8 suspending sentence, the court first shall determine which
 9 option, if available, will provide maximum opportunity for
 10 the rehabilitation of the defendant and protection of the
 11 community from further offenses by the defendant and others.
 12 In making this determination, the court shall consider all of
 13 the following:

14 a. The age of the defendant; ~~the.~~

15 b. The defendant's prior record of convictions and prior
 16 record of deferments of judgment if any; ~~the.~~

17 c. The defendant's employment circumstances; ~~the.~~

18 d. The defendant's family circumstances; ~~the.~~

19 e. The defendant's mental health and substance abuse history
 20 and treatment options available in the community and the
 21 correctional system; ~~the.~~

22 f. The nature of the offense committed; ~~and such.~~

23 g. Such other factors as are appropriate.

24 2. The court shall file a specific written statement of
 25 its reasons for and the facts supporting its decision to defer
 26 judgment, to defer sentence, or to suspend sentence, and its
 27 decision on the length of probation.

28 Sec. 119. REPEAL. Section 15.103, Code Supplement 2011, is
 29 repealed.

30 Sec. 120. REPEAL. Section 135.160, Code 2011, is repealed.

31 Sec. 121. 2011 Iowa Acts, chapter 113, section 45, is
 32 amended by striking the section and inserting in lieu thereof
 33 the following:

34 SEC. 45. Section 159.20, subsection 1, paragraph j, Code
 35 2011, is amended to read as follows:



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1 j. Provide for the promotion and expansion of renewable
2 fuels and coproducts, by doing all of the following:
3 ~~j.~~ (1) Assist the office of renewable fuels and coproducts
4 in administering the provisions of chapter 159A, subchapter II.
5 (2) Assist the renewable fuel infrastructure board, provide
6 for the administration of the renewable fuel infrastructure
7 programs, and provide for the management of the renewable fuel
8 infrastructure fund, as provided in chapter 159A, subchapter
9 III.

10 Sec. 122. 2011 Iowa Acts, chapter 131, section 134, is
11 amended to read as follows:

12 SEC. 134. 2011 Iowa Acts, Senate File 510, section ~~28~~ 27, if
13 enacted, is amended to read as follows:

14 ~~SEC. 28.~~ SEC. 27. EFFECTIVE DATE. The following provision
15 of this division of this Act takes effect thirty days after
16 enactment, ~~notwithstanding section 3.7~~ of this Act or thirty
17 days after the enactment of 2011 Iowa Acts, Senate File 533,
18 if enacted, whichever is later:

19 The section of this division of this Act ~~amending~~ enacting
20 section 124.204, subsection 4, paragraph "ai", subparagraphs
21 (1) through (4).

22 Sec. 123. 2011 Iowa Acts, chapter 131, section 135, is
23 amended to read as follows:

24 SEC. 135. 2011 Iowa Acts, Senate File 510, section ~~29~~ 28, if
25 enacted, is amended to read as follows:

26 ~~SEC. 29.~~ SEC. 28. EFFECTIVE UPON ENACTMENT. The following
27 provision of this division of this Act, being deemed of
28 immediate importance, ~~and notwithstanding section 3.7~~ takes
29 effect upon enactment of this Act or upon enactment of 2011
30 Iowa Acts, Senate File 533, if enacted, whichever is later:

31 The section of this Act ~~amending~~ enacting section 124.204,
32 subsection 4, paragraph "ai", subparagraph (5).

DIVISION II

INTERNAL REFERENCES

35 Sec. 124. Section 7E.5A, subsection 4, Code 2011, is amended



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1 to read as follows:

2 4. As used in this section, *“vertical infrastructure”* means
3 the same as defined in section 8.57, subsection ~~6~~ 5, paragraph
4 *“c”*.

5 Sec. 125. Section 8.22A, subsection 5, paragraph b, Code
6 Supplement 2011, is amended to read as follows:

7 *b.* The amount of revenue for the following fiscal year from
8 gambling revenues and from interest earned on the cash reserve
9 fund and the economic emergency fund to be deposited in the
10 rebuild Iowa infrastructure fund under section 8.57, subsection
11 ~~6~~ 5, paragraph *“e”*.

12 Sec. 126. Section 8.57A, subsection 4, Code Supplement
13 2011, is amended to read as follows:

14 4. *a.* There is appropriated from the rebuild Iowa
15 infrastructure fund for the fiscal year beginning July 1, 2013,
16 and for each fiscal year thereafter, the sum of forty-two
17 million dollars to the environment first fund, notwithstanding
18 section 8.57, subsection ~~6~~ 5, paragraph *“c”*.

19 *b.* There is appropriated from the rebuild Iowa
20 infrastructure fund each fiscal year for the period beginning
21 July 1, 2010, and ending June 30, 2012, the sum of thirty-three
22 million dollars to the environment first fund, notwithstanding
23 section 8.57, subsection ~~6~~ 5, paragraph *“c”*.

24 *c.* There is appropriated from the rebuild Iowa
25 infrastructure fund for the fiscal year beginning July 1,
26 2012, and ending June 30, 2013, the sum of thirty-five million
27 dollars to the environment first fund, notwithstanding section
28 8.57, subsection ~~6~~ 5, paragraph *“c”*.

29 Sec. 127. Section 8.57C, subsection 3, paragraphs b through
30 d, Code Supplement 2011, are amended to read as follows:

31 *b.* There is appropriated from the rebuild Iowa
32 infrastructure fund for the fiscal year beginning July 1, 2008,
33 and ending June 30, 2009, the sum of seventeen million five
34 hundred thousand dollars, and for the fiscal year beginning
35 July 1, 2009, and ending June 30, 2010, the sum of fourteen



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1 million five hundred twenty-five thousand dollars to the
 2 technology reinvestment fund, notwithstanding section 8.57,
 3 subsection 6 5, paragraph "c".

4 c. There is appropriated from the rebuild Iowa
 5 infrastructure fund for the fiscal year beginning July 1, 2010,
 6 and ending June 30, 2011, the sum of ten million dollars to the
 7 technology reinvestment fund, notwithstanding section 8.57,
 8 subsection 6 5, paragraph "c".

9 d. There is appropriated from the rebuild Iowa
 10 infrastructure fund for the fiscal year beginning July 1,
 11 2011, and ending June 30, 2012, the sum of fifteen million,
 12 five hundred forty-one thousand dollars to the technology
 13 reinvestment fund, notwithstanding section 8.57, subsection 6
 14 5, paragraph "c".

15 Sec. 128. Section 8A.123, subsection 1, Code 2011, is
 16 amended to read as follows:

17 1. Activities of the department shall be accounted
 18 for within the general fund of the state, except that the
 19 director may establish and maintain internal service funds in
 20 accordance with generally accepted accounting principles, as
 21 defined in section 8.57, subsection 5 4, for activities of
 22 the department which are primarily funded from billings to
 23 governmental entities for services rendered by the department.
 24 The establishment of an internal service fund is subject to
 25 the approval of the director of the department of management
 26 and the concurrence of the auditor of state. At least ninety
 27 days prior to the establishment of an internal service fund
 28 pursuant to this section, the director shall notify in writing
 29 the general assembly, including the legislative council,
 30 legislative fiscal committee, and the legislative services
 31 agency.

32 Sec. 129. Section 12.87, subsection 1, paragraph b,
 33 subparagraph (1), Code Supplement 2011, is amended to read as
 34 follows:

35 (1) On or after July 1, 2009, the treasurer of state may



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1 issue and sell bonds in amounts which provide aggregate net
2 proceeds of not more than one hundred eighty-five million
3 dollars for capital projects which qualify as vertical
4 infrastructure projects as defined in section 8.57, subsection
5 6 5, paragraph "c", to the extent practicable in any fiscal year
6 and without limiting other qualifying capital expenditures.

7 Sec. 130. Section 12.89, subsection 2, paragraph b, Code
8 2011, is amended to read as follows:

9 *b.* The revenues required to be deposited into the fund
10 pursuant to section 8.57, subsection 6 5, paragraph "e",
11 subparagraphs (1) and (2).

12 Sec. 131. Section 12.89A, subsection 2, paragraph a, Code
13 Supplement 2011, is amended to read as follows:

14 *a.* The revenues required to be deposited in the fund
15 pursuant to section 8.57, subsection 6 5, paragraph "e",
16 subparagraphs (1) and (2).

17 Sec. 132. Section 12E.12, subsection 1, paragraph b,
18 subparagraphs (1) and (2), Code 2011, are amended to read as
19 follows:

20 (1) The tax-exempt bond proceeds restricted capital funds
21 account. The net proceeds of tax-exempt bonds issued to
22 provide funds for capital projects, certain debt service, and
23 attorney fees related to the master settlement agreement which
24 the state treasurer is authorized and directed to deposit on
25 behalf of the state shall be deposited in the account and shall
26 be used to fund capital projects, certain debt service, and
27 the payment of attorney fees related to the master settlement
28 agreement. With respect to capital projects, it is the
29 intent of the general assembly to fund capital projects that
30 qualify as vertical infrastructure projects as defined in
31 section 8.57, subsection 6 5, paragraph "c", to the extent
32 practicable in any fiscal year and without limiting other
33 qualifying capital expenditures considered and approved by a
34 constitutional majority of each house of the general assembly
35 and the governor.

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1 (2) The FY 2009 tax-exempt bond proceeds restricted
2 capital funds account. The net proceeds of tax-exempt bonds
3 issued after July 1, 2008, as a result of the securitization
4 of any remaining tobacco settlement payments to provide
5 funds for capital projects which the treasurer of state is
6 authorized and directed to deposit on behalf of the state
7 shall be deposited in the account and shall be used to fund
8 capital projects. With respect to capital projects, it is
9 the intent of the general assembly to fund capital projects
10 that qualify as vertical infrastructure projects as defined
11 in section 8.57, subsection 6 5, paragraph "c", to the extent
12 practicable in any fiscal year and without limiting other
13 qualifying capital expenditures considered and approved by a
14 constitutional majority of each house of the general assembly
15 and the governor.

16 Sec. 133. Section 15G.110, Code Supplement 2011, is amended
17 to read as follows:

18 **15G.110 Appropriation.**

19 For the fiscal year beginning July 1, 2011, and ending June
20 30, 2012, there is appropriated to the economic development
21 authority fifteen million dollars from the rebuild Iowa
22 infrastructure fund for deposit in the economic development
23 fund, notwithstanding section 8.57, subsection 6 5, paragraph
24 "c".

25 Sec. 134. Section 16.193, subsection 2, Code Supplement
26 2011, is amended to read as follows:

27 2. For the period beginning July 1, 2009, and ending June
28 30, 2011, two hundred thousand dollars of the moneys deposited
29 in the rebuild Iowa infrastructure fund shall be allocated
30 each fiscal year to the Iowa finance authority for purposes of
31 administering the Iowa jobs program and Iowa jobs II program,
32 notwithstanding section 8.57, subsection 6 5, paragraph "c".

33 Sec. 135. Section 99G.39, subsection 3, paragraph a, Code
34 2011, is amended to read as follows:

35 a. Notwithstanding subsection 1, if gaming revenues under



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1 sections 99D.17 and 99F.11 are insufficient in a fiscal year to
2 meet the total amount of such revenues directed to be deposited
3 in the vision Iowa fund and the school infrastructure fund
4 during the fiscal year pursuant to section 8.57, subsection 6
5 5, paragraph "e", the difference shall be paid from lottery
6 revenues prior to deposit of the lottery revenues in the
7 general fund. If lottery revenues are insufficient during the
8 fiscal year to pay the difference, the remaining difference
9 shall be paid from lottery revenues in subsequent fiscal years
10 as such revenues become available.

11 Sec. 136. Section 123.53, subsection 3, Code Supplement
12 2011, is amended to read as follows:

13 3. Notwithstanding subsection 2, if gaming revenues under
14 sections 99D.17 and 99F.11 are insufficient in a fiscal year to
15 meet the total amount of such revenues directed to be deposited
16 in the revenue bonds debt service fund and the revenue bonds
17 federal subsidy holdback fund during the fiscal year pursuant
18 to section 8.57, subsection 6 5, paragraph "e", the difference
19 shall be paid from moneys deposited in the beer and liquor
20 control fund prior to transfer of such moneys to the general
21 fund pursuant to subsection 2 and prior to the transfer of such
22 moneys pursuant to subsections 5 and 6. If moneys deposited in
23 the beer and liquor control fund are insufficient during the
24 fiscal year to pay the difference, the remaining difference
25 shall be paid from moneys deposited in the beer and liquor
26 control fund in subsequent fiscal years as such moneys become
27 available.

28 Sec. 137. Section 260G.6, subsection 2, Code Supplement
29 2011, is amended to read as follows:

30 2. Projects funded pursuant to this section shall be for
31 vertical infrastructure as defined in section 8.57, subsection
32 6 5, paragraph "c".

33 Sec. 138. Section 324A.6A, Code 2011, is amended to read as
34 follows:

35 **324A.6A Public transit infrastructure grant fund.**



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1 A public transit infrastructure grant fund is established
2 within the department. Moneys in the fund shall be awarded to
3 public transit systems within the state for construction and
4 infrastructure projects that meet the definition of *vertical*
5 *infrastructure* in section 8.57, subsection 6 5, paragraph *c*.
6 The fund shall consist of appropriations made to the fund and
7 transfers of interest, earnings, and moneys from other funds as
8 provided by law. In awarding grant assistance, the office of
9 public transit within the department shall, by rule, specify
10 certain criteria that must be included in a grant application,
11 which shall include but not be limited to information on the
12 feasibility of completion of an individual infrastructure
13 project. Notwithstanding section 8.33, moneys in the public
14 transit infrastructure grant fund shall not revert to the fund
15 from which they are appropriated but shall remain available
16 indefinitely for expenditure under this section.

17 Sec. 139. Section 461A.3A, subsection 1, Code Supplement
18 2011, is amended to read as follows:

19 1. The department shall establish a restore the outdoors
20 program. The purpose of the program is to provide funding
21 for projects involving existing vertical infrastructure as
22 defined in section 8.57, subsection 6 5, paragraph *c*, or
23 the construction of new vertical infrastructure if the new
24 construction is required due to increased demand for facilities
25 at the park or if it is not cost-effective to repair or
26 renovate the existing vertical infrastructure. Projects shall
27 be limited to existing state parks and other public facilities
28 managed by the department.

29 Sec. 140. Section 473.19A, subsection 3, Code Supplement
30 2011, is amended to read as follows:

31 3. The building energy management fund shall be limited to
32 a maximum of one million dollars. Amounts in excess of this
33 maximum limitation shall be transferred to and deposited in
34 the rebuild Iowa infrastructure fund created in section 8.57,
35 subsection 6 5.

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1 This bill contains statutory corrections that adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities. The Code
6 sections amended include the following:

7 DIVISION I. Code sections 8.55 and 8.57: Strikes language,
8 providing for appropriation of general fund surplus revenue
9 to the senior living trust fund, pursuant to the terms of
10 paragraph "d" of Code section 8.57 that provides for the
11 repeal of the language when the aggregate amount in the trust
12 fund equals \$300 million. The fund reached that milestone in
13 2011. References to the rebuild Iowa infrastructure fund in
14 renumbered subsection 5 of Code section 8.57 are also changed
15 to distinguish references to that fund from references to other
16 infrastructure funds in that subsection. Internal references
17 to Code section 8.57 are also corrected in division II of this
18 bill.

19 Code section 8A.317: Strikes references to definitions
20 of "biobased material" and "biobased product" contained in
21 former Code section 469.31 and inserts language from the former
22 definitions provision into this Code section relating to state
23 purchases of biobased products. Code chapter 469 was repealed
24 by 2011 Iowa Acts, ch. 118, section 49, effective July 18,
25 2011, and applicable on July 1, 2011.

26 Code section 11.2: Corrects a textual internal reference to
27 auditor of state review requirements for investment companies,
28 banks, savings and loan associations, or credit unions employed
29 by the state board of regents.

30 Code section 11.5A: Adds the words "or examinations" to
31 this provision governing the payment of costs of audits or
32 examinations of state agencies by the auditor of state to
33 conform with similar changes made elsewhere in Code chapter 11
34 by 2011 Iowa Acts, ch. 75.

35 Code section 15.103: Repeals this Code section toward the

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1 end of the bill which establishes the Iowa economic development
2 board of the former department of economic development. This
3 provision was superseded by the enactment of Code section
4 15.105 by 2011 Iowa Acts, ch. 118, section 5, which creates the
5 economic development authority that replaces the department of
6 economic development and is governed by a board of 11 voting
7 members.

8 Code section 15.107: Strikes redundant language in a
9 provision relating to the purpose for which the Iowa innovation
10 corporation is established.

11 Code section 15.202: Strikes "with the approval of the
12 director" within this provision relating to the acceptance of
13 funds by the economic development authority to conform to the
14 hierarchy established for the administration of the economic
15 development programs and funds by the economic development
16 authority by 2011 Iowa Acts, ch. 118.

17 Code section 15.272: Clarifies in language relating to the
18 initial establishment of the statewide welcome center program
19 that the former department of economic development was the
20 entity responsible for program planning and development.

21 Code section 15.292: Replaces the word "board" with the word
22 "authority" in language relating to the entity responsible for
23 decisions relating to applications for financial assistance
24 from the brownfield redevelopment fund because, after the
25 enactment of 2011 Iowa Acts, ch. 118, what was once the "board"
26 under prior law is now the "economic development authority".

27 Code section 15.293A: Strikes the words "and the board"
28 and "with the approval of the board" from language relating
29 to review of applications for redevelopment tax credits by
30 the authority because, after the enactment of 2011 Iowa Acts,
31 ch. 118, what was once the "board" under prior law is now the
32 "economic development authority".

33 Code section 15.294: Replaces the word "board" with the
34 word "authority" in language relating to the brownfield
35 redevelopment advisory council because, after the enactment of

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1 2011 Iowa Acts, ch. 118, what was once the "board" under prior
2 law is now the "economic development authority".

3 Code section 15.301: Adds references to the former
4 department of economic development in the save our small
5 businesses fund and program language in provisions which relate
6 to activities which took place prior to the enactment of 2011
7 Iowa Acts, ch. 118, which established the economic development
8 authority.

9 Code section 15.331A: Clarifies that the department
10 of revenue is the entity which is responsible for the
11 administration of the refunding of sales or use tax imposed
12 on gas, electricity, water or sewer utility services, goods,
13 wares, or merchandise or on certain services rendered relating
14 to the construction or equipping of a facility under the high
15 quality jobs program.

16 Code section 15.411: Clarifies that it was the department
17 of economic development that received reports on bioscience,
18 advanced manufacturing, information technology, and
19 entrepreneurship in calendar years 2004, 2005, and 2006 as part
20 of the program for targeted industries development.

21 Code section 15E.64: Adds the word "board" in language
22 relating to the incorporators of the Iowa capital investment
23 corporation. 2011 Iowa Acts, ch. 118, provides, in the
24 amendments to Code section 15.105, that the economic
25 development authority is governed by a board.

26 Code section 15E.120: Substitutes, retroactive to July 1,
27 2011, for the date "July 18, 2011", "July 1" of that year to
28 reflect the retroactive applicability date for 2011 Iowa Acts,
29 ch. 118, in this provision relating to the administration of
30 loan repayments under the former Iowa community development
31 loan program.

32 Code section 15E.193: Strikes redundant language that
33 resulted from the application of directives by 2011 Iowa Acts,
34 ch. 118, in this provision regarding benefits required in
35 enterprise zones in order for a business to be eligible to

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1 receive economic development incentives.

2 Code section 15E.208: Adds references to the former
3 department of economic development in this provision regarding
4 Iowa agriculture industry finance loans in language which
5 relates to activities which took place prior to the enactment
6 of 2011 Iowa Acts, ch. 118, which established the economic
7 development authority.

8 Code section 15E.351: Strikes the redundant words "economic
9 development" from a reference to the "economic development
10 authority" in this provision establishing the business
11 accelerator program. The term "authority" is defined for
12 Code chapter 15E, in Code section 15E.1, to mean the economic
13 development authority.

14 Code sections 15G.111, 15G.112, 15G.113, and 15G.114:
15 Strikes redundant references to approval or recommendations
16 by the economic development authority that resulted from the
17 application of directives by 2011 Iowa Acts, ch. 118, in these
18 provisions regarding financial assistance awards made by the
19 authority under the economic development financial assistance
20 program.

21 Code section 15G.115: Strikes a redundant reference to the
22 economic development authority and a reference to the former
23 due diligence committee in this provision relating to financial
24 assistance under the economic development financial assistance
25 program. The due diligence committee was eliminated by 2011
26 Iowa Acts, ch. 118, section 73.

27 Code section 15H.3: Adds the word "nonvoting" after a
28 reference to the ex officio members in language regarding the
29 membership of the volunteer service commission to conform to
30 other references to those members in this Code section.

31 Code sections 28N.2 and 256I.3: Changes the word
32 "departments" to "agencies" in these provisions establishing
33 the membership of a state council and a state board to account
34 for the replacement of the department of economic development
35 by the economic development authority in 2011 Iowa Acts, ch.

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1 118.

2 Code sections 29C.20B, 135.141, 331.427, and 331.653:
3 Deletes redundant language and conforms these provisions
4 relating to disaster care management, comprehensive emergency
5 plans, and local emergency management commissions to changes
6 made by 2011 Acts, ch. 69, and 2011 Iowa Acts, ch. 129.

7 Code section 42.4: Replaces, retroactively to January
8 1, 2011, the word "first" with the word "third" in language
9 describing the date on which an incumbent senator, who resigns
10 for purposes of allowing another senator to serve a full
11 four-year term, must submit the senator's resignation to
12 reflect language appearing later in this same provision and
13 to conform to the date specified for resignation of incumbent
14 senators under these circumstances in 2011 Iowa Acts, ch. 76,
15 section 3.

16 Code section 46.2A: Strikes the obsolete subsection
17 that requires the repeal of the subsection if the number of
18 congressional districts established following the 2010 federal
19 decennial census and described in chapter 40 of the Code is not
20 equal to four.

21 Code sections 123.135, 123.180, 252B.9, 507B.7, 523C.13,
22 and 631.17: Conforms language relating to civil sanctions
23 imposed by the court or administrative agencies, by striking
24 the word "fine" or "fines" and inserting the word "penalty" or
25 "penalties", to other references to civil penalties throughout
26 the Code.

27 Code section 125.2: Adds the word "mental" within language
28 describing the type of certification that a psychiatric
29 advanced registered nurse practitioner must possess in the Code
30 chapter relating to treatment of substance abusers to conform
31 to changes made by 2011 Iowa Acts, ch. 121, section 52, to the
32 same definition within the Code chapter on civil commitment.
33 This portion of 2011 Iowa Acts, ch. 121, is effective July 1,
34 2012.

35 Code section 125.10: Changes references to "substance

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1 abuse" to "substance misuse" to conform to changes made in this
2 Code section, effective July 1, 2012, by 2011 Iowa Acts, ch.
3 121, section 30.

4 Code sections 125.43A and 125.83: Changes "substance abuse
5 treatment" to "treatment of a substance-related disorder" in
6 these two provisions relating to involuntary hospitalizations
7 of persons with substance misuse disorders to conform to
8 similar terminology changes made by 2011 Iowa Acts, ch. 121,
9 effective July 1, 2012.

10 Code section 125.91: Changes references from "examining"
11 physician to "attending" physician and restores a reference
12 to "the facility" in language relating to emergency
13 hospitalization of persons with substance misuse disorders to
14 conform to and clarify changes made in this Code section by
15 2011 Iowa Acts, ch. 121, effective July 1, 2012.

16 Code section 135.160: Repeals, toward the end of the bill,
17 this definitional section for the division of Code chapter 135
18 that pertained to prevention and chronic care management. The
19 other Code sections in the division, to which the definitions
20 pertained, were repealed by 2011 Iowa Acts, ch. 129, sections
21 81 and 82 and 2011 Iowa Acts, ch. 63, section 35.

22 Code section 142A.3: Strikes tobacco retailers from the
23 membership of an advisory council to the commission on tobacco
24 use prevention and control to conform to changes made in Code
25 chapter 142A by 2011 Iowa Acts, ch. 63.

26 Code section 152.12: Changes the word "county" to "country"
27 to correct an apparent typographical error in language relating
28 to disclosure of nursing licensure examination results to other
29 nurse licensing entities at the state or national level.

30 Code section 173.11: Redrafts language relating to
31 administration of the state fair foundation fund by the
32 treasurer of the Iowa state fair foundation to clarify that the
33 state fair board is acting as the board of the foundation.

34 Code section 226.9C: Strikes a redundant instance of the
35 word "certified" in language added, effective July 1, 2012,

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1 by 2011 Iowa Acts, ch. 121, to describe the qualifications
2 of persons conducting treatment prescreening of persons with
3 substance misuse disorders.

4 Code section 230A.106: Replaces the word "such" with a
5 listing of types of services that comprise one of the groups of
6 core services that must be provided at community mental health
7 centers, to be consistent with the style and format of the rest
8 of the Code section, effective July 1, 2012.

9 Code section 232.103: Clarifies the relationship between a
10 reference to Code section 232.50, which governs dispositional
11 hearings for juvenile delinquents or youthful offenders, to
12 this provision relating to hearings regarding changes in level
13 of care for a child who is subject to a dispositional order for
14 out-of-home placement.

15 Code sections 236.18 and 331.756: Redirects references
16 to criminal penalties under Code chapter 236 to refer to the
17 provisions within Code chapter 664A to conform to the transfer
18 of the criminal penalties from Code chapter 236 to Code chapter
19 664A by 2006 Iowa Acts, ch. 1101.

20 Code section 249H.3: Substitutes, for an internal reference
21 in this definition, the language used in Code section 225B.2 to
22 define "disability". Code chapter 225B is to be repealed on
23 July 1, 2012, pursuant to Code section 225B.8.

24 Code section 256.32: Strikes from the ex officio membership
25 of the advisory council for agricultural education language
26 referring to the young farmer educational association
27 president. The association is a national organization and
28 there are no Iowa chapters or members who could possibly serve
29 on the council.

30 Code section 256I.5: Rewrites language relating to the
31 commitment of various state entities, in a reference back to
32 entities enumerated in this provision relating to collaboration
33 and integration of a comprehensive early care, education,
34 health, and human services system, to accommodate a changeover
35 in the entity responsible for the administration of economic

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1 development programs made by 2011 Iowa Acts, ch. 118.
2 Code section 260C.18A: Strikes this paragraph which
3 references job retention projects under former Code section
4 260F.9, which was repealed effective June 30, 2010, pursuant to
5 2003 Iowa Acts, 1st extraordinary session, ch. 2, section 93.
6 Code section 261E.8: Replaces the term "eligible
7 postsecondary institution" with the term "community college"
8 in this Code chapter relating to enrollment of students from
9 a school district, accredited nonpublic schools, and students
10 receiving competent private instruction in community college
11 programs for concurrent high school and college credit under
12 the senior year plus program.
13 Code section 267A.2: Changes the word "section" to
14 "chapter" in the lead-in phrase to the definitions section for
15 the local food and farm program Code chapter.
16 Code sections 282.1 and 282.10: Clarifies an internal
17 reference to Code section 282.7 in these provisions relating
18 to student attendance and whole grade sharing between school
19 districts.
20 Code section 282.18: Changes the term "laboratory school"
21 to "research and development school" in language relating to
22 open enrollment of students from public school districts to
23 the Price laboratory school to reflect the terminology used to
24 refer to the school under Code chapter 256G, which governs the
25 development and funding of that school.
26 Code sections 306D.2 and 465A.2: Replaces references to
27 the economic development authority with references to the
28 former department of economic development in these provisions
29 regarding Iowa's open space plans in language which relates
30 to activities which took place prior to the enactment of 2011
31 Iowa Acts, ch. 118, which established the economic development
32 authority.
33 Code section 321.18: Strikes subsection 9, effective on
34 June 30, 2012, or when Code chapter 322E is repealed, whichever
35 is later, which provides an exemption to motor vehicle

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1 registration provision to motor homes purchased at a motor home
2 manufacturer's club rally by a nonresident and which is driven
3 on a highway solely for the purpose of removing the motor home
4 from the state. Code chapter 322E is currently scheduled for
5 repeal on June 30, 2012.

6 Code section 321.180B: Adds the word "a" within a series to
7 conform to other similar language in a provision enumerating
8 the list of persons who can accompany a person under the age
9 of 18 who has not yet been issued a full driver's license but
10 has been issued a permit or other intermediate license and is
11 lawfully operating a motor vehicle.

12 Code section 321.186: Strikes language relating to
13 applicants for a commercial driver's license from an exemption
14 permitting a license applicant to file a vision report in
15 lieu of passing a vision text administered by the department
16 of transportation to conform to changes made to Code section
17 321.186A by 2011 Iowa Acts, ch. 38.

18 Code section 419.4: Renumbers and adds an internal
19 reference to language relating to municipal bonding authority.

20 Code section 422.5: Corrects an internal reference to
21 computations of tax upon married persons' income in language
22 relating to computation of the alternative minimum tax.

23 Code section 422.7: Strikes, within the list of items to be
24 subtracted from adjusted gross income in the computation of net
25 income, a reference to a Vietnam Conflict veterans' bonus under
26 Code section 35A.8A, which was repealed June 30, 2011, pursuant
27 to the terms of the statute.

28 Code section 422.11S: Strikes contingency language from a
29 definition of the term "total approved tax credits" within this
30 provision relating to school tuition organization tax credits
31 because the amendment to Code section 257.8 that is referenced
32 in the contingency language was enacted in 2011 Iowa Acts, ch.
33 131, sections 122 and 123.

34 Code sections 422.11T and 422.11U: Changes "credit" to
35 "credits" in language relating to reduction of income tax by

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1 the tax credits allow under Code section 422.12 to conform to
2 similar language in surrounding provisions and because Code
3 section 422.12 provides for more than one tax credit.

4 Code section 437A.14: Adds the words "of revenue" after
5 references to "department" in language relating to refunding
6 of replacement taxes on electricity and natural gas providers.
7 While the term "director" is defined within Code chapter 437A
8 to mean the director of revenue, the term "department" is not
9 defined.

10 Code section 445.5: Changes the word "of" to "for", in
11 language relating to receipts for payments of property taxes
12 which are paid in part or in full for the given year, to clarify
13 the relationship between the receipt and the payment of the
14 amount.

15 Code section 452A.3: Renumbers to eliminate unnumbered
16 paragraphs within this provision relating to payment of tax on
17 motor and special fuels.

18 Code section 455B.487: Reorganizes and renumbers to
19 eliminate unnumbered paragraphs in this provision relating to
20 criteria established by the environmental protection commission
21 for identification of land suitable for the operation of
22 radioactive waste facilities.

23 Code section 459.501: Replaces, in subsection 5, paragraph
24 "b", the word "allocated" with the words "authorized for
25 payment" to conform to the changes made relating to the
26 authorizations for payment made by the executive council
27 pursuant to paragraph "a" of the same subsection by 2011 Iowa
28 Acts, ch. 131, section 35.

29 Code section 459.502: Clarifies that the fund in which the
30 department is to deposit indemnity fee moneys assessed on the
31 construction of confinement feeding operations is the livestock
32 remediation fund. The term "fund" is not defined for Code
33 chapter 459.

34 Code section 461A.80: Reorganizes and renumbers to
35 eliminate unnumbered paragraphs in this provision relating to

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1 the public outdoor recreation and resources appropriations
2 advisory council.

3 Code section 462A.2: Moves language relating to vessels
4 which are under way to clarify that the language applies to
5 sailboats that are not powered by a motor, but which do have
6 sails hoisted, in this definition of the term "operate".

7 Code section 466B.3: Strikes language including the
8 director of the rebuild Iowa office from the membership of the
9 water resources coordinating council. The rebuild Iowa office
10 was repealed on June 30, 2011, pursuant to 2009 Iowa Acts, ch.
11 169, section 10.

12 Code section 468.221: Changes a textual reference from
13 "paragraph" to "section" in a definition of the term "local
14 government" because the term is used elsewhere in this Code
15 section relating to drainage district communications with a
16 state agency or with local government.

17 Code section 473.1: Strikes, in two definitions in this
18 Code chapter relating to energy development and conservation,
19 references to definitions of terms from former Code section
20 469.31 which was repealed by 2011 Iowa Acts, ch. 118, section
21 49, and adds the text of the same definitions from that former
22 Code section.

23 Code section 473.7: Strikes, as redundant, the words "The
24 authority shall" from subsection 2 to conform to the style of
25 this Code section relating to duties of the authority under the
26 energy development and conservation Code chapter.

27 Code section 473.10: Replaces a reference to the director
28 with a reference to the economic development authority in
29 language relating to rulemaking authority. The economic
30 development authority is the entity made responsible for
31 rulemaking under 2011 Iowa Acts, ch. 118.

32 Code section 476.1C: Restructures, by renumbering to
33 eliminate unanchored unnumbered paragraphs and by striking
34 redundant language, in this provision relating to gas public
35 utilities with fewer than 2,000 customers.

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1 Code section 476C.4: Adds, within a subparagraph, the
2 word "equity" before references to holders of interests in
3 business entities which have applied for renewable electricity
4 production tax credits to conform to language contained in the
5 immediately preceding subparagraph of subsection 2 of this Code
6 section.

7 Code section 483A.24: Conforms terminology and corrects an
8 internal reference to clarify the applicability of an exclusion
9 from the exception in the definition of "owner" of a farm unit
10 under this Code section governing when a hunting, fishing, or
11 trapping license is not required before a person may engage in
12 those activities.

13 Code section 496B.12: Renumbers and conforms the internal
14 numbering and format of this Code section pertaining to
15 economic development corporations to the numbering and format
16 of other Code sections.

17 Code section 501A.504: Restructures language in subsection
18 4 relating to the filing of amendments to articles of
19 organization of a cooperative to highlight the alternative
20 nature of the adoption methods by members and directors and
21 conforms language relating to the adoption of an amendment by
22 directors to the requirements for amendments by directors that
23 is specified in subsection 3 of this Code section.

24 Code section 509.3: Strikes language referring to
25 applications for converted policies under Code chapter 509B
26 from a provision that describes one of the required components
27 of a group accident or health insurance policy or combination
28 group accident or health insurance policy. Code section
29 509B.4, which provided for the conversion of group policies was
30 repealed by 2006 Iowa Acts, ch. 1117, section 127.

31 Code section 514J.108: Adds the words "the covered person"
32 to language describing one of the instances in which a covered
33 person or a covered person's authorized representative may make
34 a request for an expedited external review of a health care
35 cover decision, to conform to other language within the same

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1 Code section.

2 Code section 515C.2: Corrects an internal reference to
3 the Code section establishing surplus requirements required
4 of mortgage guaranty insurers. Former subsection 8 of Code
5 section 515.49 was stricken when the Code section was rewritten
6 by 1988 Iowa Acts, ch. 1112, section 403.

7 Code section 524.904: Adds the word "state" before the word
8 "bank" in multiple locations to conform to other text within
9 this provision relating to loans and extensions of credit by a
10 state bank to a borrower.

11 Code section 568.16: Changes the word "by" to the word
12 "to" in language relating to the refunding of moneys by the
13 state back to grantees of land conveyed by the state, when
14 the grantee or the grantee's heirs or assigns did not receive
15 title to the land conveyed because title resided in some other
16 person.

17 Code section 602.9202: Conforms language relating to the
18 length of the terms that may be served by senior judges who
19 have reached the age of 78 to changes made to Code section
20 602.9203 by 2011 Iowa Acts, ch. 78.

21 Code section 633.3: Adds the words "and state" in a
22 provision defining what is included within the costs of
23 administration of an estate to clarify that interest on state
24 estate tax as well as federal estate tax are included. This
25 conforms with changes made by 2010 Iowa Acts, ch. 1138, and
26 2011 Iowa Acts, ch. 34.

27 Code section 633A.3106: Deletes a redundant phrase in
28 this provision relating to children born or adopted after the
29 execution of a revocable trust.

30 Code section 655A.3: Conforms the language that describes
31 the manner of service of a notice of rejection of a notice of
32 foreclosure to reflect the changes made to Code section 655A.4
33 by 2009 Iowa Acts, ch. 51. That Act changed the manner of
34 service of a notice of rejection under Code section 655A.4 from
35 service in the manner provided for service of original notices

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1 to service by ordinary or electronic mail.
2 Code section 692A.118: Strikes language in two subsections
3 within this Code section establishing the duties of the
4 department of public safety regarding the sex offender registry
5 to conform to the style of other subsections.
6 Code section 714.27: Changes "the identity of" to
7 "identifying information for" to conform to the nature of the
8 descriptive list of the types of information that a salvage
9 dealer must maintain under a copper theft ordinance regarding a
10 person who brings in salvaged materials.
11 Code sections 717F.1 and 717F.8: Strikes subparagraph (9)
12 of subsection 5, paragraph "a", which is a duplicate of the
13 language found in subparagraph (10), subparagraph division (a),
14 in Code section 717F.1, and corrects a typographical error in
15 the spelling of the family name of certain types of snakes in
16 language enumerating the types of animals considered to be
17 dangerous wild animals in Code sections 717F.1 and 717F.8.
18 Code section 805.8A: Corrects an internal reference to
19 the provisions within a Code section relating to registration
20 of motor carriers that contain language prohibiting certain
21 conduct. Subsection 2 relates to state department of
22 transportation participation in the federal unified carrier
23 registration plan and agreement for regulated motor carriers.
24 Code section 811.1: Changes two commas to semicolons and
25 strikes a redundant "or" in language to conform the punctuation
26 and format of the series that describes the types of felonies
27 and public offenses for which a defendant, awaiting judgment of
28 conviction and sentencing after a plea or verdict of guilty,
29 shall not be admitted to bail.
30 Code section 907.5: Enumerates the criteria the court must
31 consider before deferring judgment or sentence or suspending
32 a defendant's sentence as lettered paragraphs and numbers
33 the balance of the provision to enhance readability of the
34 provision.
35 2011 Iowa Acts, chapter 113, section 45: Corrects

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1 retroactively to July 1, 2011, by striking and replacing this
2 section of 2011 Iowa Acts, ch. 113, numeric references to two
3 subchapters in Code chapter 159A, that according to the text
4 of the language, should refer to the provisions administered
5 by the office of renewable fuels and coproducts and provisions
6 establishing the renewable fuel infrastructure programs and
7 fund.

8 2011 Iowa Acts, chapter 131, sections 134 and 135: Corrects
9 incorrect references within an Act to provisions within another
10 Act. The first correction takes effect upon enactment and
11 applies retroactively to the date which is 30 days after July
12 29, 2011. The second correction takes effect upon enactment
13 and applies retroactively to July 29, 2011.



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Senate File 2286 - Introduced

SENATE FILE 2286
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SF 2072)

A BILL FOR

1 An Act specifying procedures applicable to claims asserting
2 stray electric current or voltage.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 476D.1 Short title.
 2 This chapter shall be known and may be cited as the "*Stray*
 3 *Current and Voltage Remediation Act*".
 4 Sec. 2. NEW SECTION. 476D.2 Definitions.
 5 As used in this chapter, unless the context otherwise
 6 requires:
 7 1. "*Board*" means the utilities board within the utilities
 8 division of the department of commerce.
 9 2. "*Cow contact points*" means any two electrically
 10 conductive points which a dairy cow may, in its normal
 11 environment, unavoidably and simultaneously contact.
 12 3. "*Dairy producer*" means any person or entity that owns or
 13 operates a dairy farm or that owns cows that do or are intended
 14 to produce milk.
 15 4. "*Preventive action level*" is stray current or voltage
 16 constituting either of the following:
 17 a. A steady-state, root mean square alternating current
 18 of two milliamp or more through a five hundred ohm resistor
 19 connected between cow contact points, as measured by a true
 20 root mean square meter.
 21 b. A steady-state, root mean square alternating current
 22 voltage of one volt or more, across or in parallel with a five
 23 hundred ohm resistor connected between cow contact points, as
 24 measured by a true root mean square meter.
 25 5. "*Steady-state*" means the value of a current or voltage
 26 after an amount of time where all transients have decayed to a
 27 negligible value.
 28 6. "*Stray current or voltage*" means either of the following:
 29 a. Any steady-state, sixty hertz, including harmonics
 30 thereof, root mean square alternating current of less than
 31 twenty milliamp through a five hundred ohm resistor connected
 32 between cow contact points, as measured by a true root mean
 33 square meter.
 34 b. Any steady-state, sixty hertz, including harmonics
 35 thereof, root mean square alternating current voltage of less

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1 than ten volts, across or in parallel with a five hundred ohm
2 resistor connected between cow contact points, as measured by
3 a true root mean square meter.

4 7. "Utility" means a public utility as defined in Code
5 section 476.1, or for purposes of this chapter, any other
6 person owning or operating more than one thousand five hundred
7 miles of transmission lines and associated facilities in this
8 state.

9 Sec. 3. NEW SECTION. 476D.3 Rules — scope of authority.

10 1. The board shall by rule establish standard procedures
11 and protocols which may be used for the measurement of stray
12 current or voltage. The board shall review the rules from time
13 to time, or upon petition to the board, to ensure that the
14 standard procedures and protocols continue to be scientifically
15 and technologically accurate and a reliable means of detecting
16 stray current or voltage. Other measurements of stray current
17 or voltage made using other procedures and protocols may be
18 considered by the board in appropriate cases.

19 2. The purpose for the standard procedures and protocols
20 established by rule pursuant to subsection 1 shall be
21 for utilization by a utility in taking measurements of
22 stray current or voltage, and by the board in preparing a
23 determination of source document that may be utilized by either
24 a dairy producer or a utility as evidence of the source and
25 level, if any, of stray current or voltage. The determination
26 of source document shall be based on qualified, measurable,
27 scientific facts. Neither the board, nor the determination of
28 source document, shall establish liability or civil damages in
29 connection with a civil lawsuit.

30 Sec. 4. NEW SECTION. 476D.4 Stray current or voltage
31 program — claims — notice — utility response.

32 1. A dairy producer in this state that claims that its
33 dairy cows are being affected by stray current or voltage may
34 participate in the stray voltage program. The dairy producer
35 shall provide written notice to the utility and may provide

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1 notice to the board to participate in the program. The notice
2 shall include a nonbinding statement as to why the dairy
3 producer claims its dairy cows are being affected by electrical
4 energy attributable to the utility.

5 2. a. Within fourteen business days after receipt of a
6 notice alleging stray current or voltage by a utility pursuant
7 to subsection 1, the utility shall take or arrange for the
8 taking of measurements to identify the existence and magnitude
9 of the stray current or voltage, if any. A dairy producer
10 providing notice of the claim shall permit entry onto the
11 dairy farm at dates and times mutually agreed upon by the
12 dairy producer and the utility. The utility shall perform no
13 other service or inspection on the dairy farm beyond taking
14 measurements of stray current or voltage, except the utility
15 may advise the dairy producer as to recommended on-farm
16 remedial action and may perform such remedial action with
17 the permission of the dairy producer. The utility or its
18 representative shall abide by the dairy farm's biosecurity
19 protocols or, if none, generally accepted biosecurity protocols
20 in the industry, prior to entry onto the dairy farm. The
21 utility shall be provided advance notice of any biosecurity
22 protocols adopted by the dairy producer.

23 b. A dairy producer may include with the notice provided
24 pursuant to subsection 1, or in a subsequent notice, a written
25 request for the board to take or arrange for the taking of
26 separate and independent measurements to identify the existence
27 and magnitude of stray current or voltage, if any. Such a
28 request may also be made by the utility. Measurements by the
29 board shall be taken by a representative of the board directly,
30 or by a neutral third-party expert selected by the board for
31 such purposes. The board or a selected third-party expert
32 shall perform no other service or inspection on the dairy farm
33 beyond taking measurements of stray current or voltage, except
34 the board or third-party expert may advise the dairy producer
35 as to recommended on-farm remedial action. The board or the

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1 third-party expert shall abide by the dairy farm's biosecurity
2 protocols or, if none, by generally accepted biosecurity
3 protocols in the industry, prior to entry onto the dairy farm.
4 The board shall subsequently prepare or cause to be prepared
5 the determination of source document as described in section
6 476D.3 which shall be made available to both the dairy producer
7 and the utility.

8 3. If the utility or the board's measurements identify
9 a level of stray current or voltage at cow contact points
10 in excess of the preventive action level, the utility or the
11 board, as applicable, shall promptly identify if the utility's
12 distribution system's contribution is greater than one milliamp
13 or one volt, measured in the same manner as the preventive
14 action level. For purposes of this determination, stray
15 current or voltage on the utility's distribution system shall
16 be attributed to the utility even if caused by other customers
17 connected to the utility's distribution system. If that
18 portion of the stray current or voltage at cow contact points
19 attributable to the utility's distribution system exceeds
20 one milliamp or one volt, the utility shall, within fifteen
21 business days, commence and diligently pursue to completion,
22 remedial procedures which result in, and are reasonably likely
23 to sustain, a reduction of the stray current or voltage at
24 cow contact points attributable to the utility's distribution
25 system to one milliamp or less or one volt or less, measured in
26 accordance with the rules established by the board.

27 Sec. 5. NEW SECTION. 476D.5 Civil actions.

28 A civil action shall not be commenced by a dairy producer
29 against a utility seeking damages or other relief allegedly due
30 to injury caused by stray current or voltage unless the dairy
31 producer has provided notice of its participation in the stray
32 current or voltage program in accordance with section 476D.4
33 at least ninety days prior to filing such an action. In any
34 civil action against a utility for damages or other relief, the
35 written documentation prepared by or on behalf of the board

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1 pursuant to section 476D.4 may be admissible in evidence. Any
2 and all civil damages shall be determined by a court of law,
3 and shall be based on evidence provided by both parties.

4 EXPLANATION

5 This bill specifies procedures applicable to claims
6 asserting stray electric current or voltage impacting dairy
7 cows.

8 The bill provides for the adoption of administrative rules
9 by the Iowa utilities board establishing standard procedures
10 and protocols for the measurement of stray current or voltage.
11 The bill directs the board to review the rules periodically
12 to ensure that they remain accurate and reliable with regard
13 to stray current or voltage measurement, and provides that
14 other forms of measurement may be considered by the board in
15 appropriate cases. The bill states that the purpose for the
16 standard procedures and protocols shall be for utilization by a
17 utility in taking measurements of stray current or voltage, and
18 by the board in preparing a determination of source document
19 that may be utilized by either a dairy producer or a utility as
20 evidence of the source and level, if any, of stray current or
21 voltage. The bill provides that the determination of source
22 document shall be based on qualified, measurable, scientific
23 facts, and that neither the board nor the document shall
24 establish liability or civil damages in connection with such a
25 civil lawsuit.

26 The bill provides that a dairy producer in Iowa who claims
27 that its dairy cows are being affected by stray current or
28 voltage may participate in a stray voltage program by providing
29 written notice to the utility and, optionally, to the board
30 containing a nonbinding statement as to why the dairy producer
31 believes its dairy cows are being affected by electrical energy
32 attributable to the utility.

33 Within 14 business days after receipt of the notice, the
34 bill requires the utility to take or arrange for the taking
35 of measurements to identify the existence and magnitude of

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1 the stray current or voltage, if any. The bill provides that
2 a dairy producer shall permit entry onto the dairy farm at
3 dates and times mutually agreed upon by the dairy producer and
4 the utility for the purpose of taking the measurements, and
5 prohibits the utility from performing any other service or
6 inspection on the dairy farm beyond taking the measurements
7 other than advising the dairy producer as to recommended
8 on-farm remedial action and performing such remedial action
9 with permission. The bill provides that the utility or its
10 representative shall abide by the dairy farm's biosecurity
11 protocols, or if none, generally accepted biosecurity protocols
12 in the industry prior to entry onto the dairy farm, and
13 requires the dairy producer to provide advance notice of any
14 biosecurity protocols they have adopted to the utility.

15 The bill provides that a dairy producer, or a utility,
16 may request that the board take or arrange for the taking
17 of separate and independent measurements to identify the
18 existence and magnitude of stray current or voltage, if
19 any, either directly or by a neutral third-party expert
20 selected by the board for such purposes. The bill applies
21 the same restrictions regarding performing no other service
22 or inspection and abiding by biosecurity protocols as are
23 applicable to measurements taken by the utility. After
24 measurements are taken by or on behalf of the board, the
25 board is required to prepare or cause to be prepared the
26 determination of source document and to make the document
27 available to both the dairy producer and the utility.

28 The bill states that if the utility or the board's
29 measurements identify a level of stray current or voltage at
30 cow contact points in excess of the preventive action level,
31 as all are defined in the bill, the utility or the board,
32 as applicable, shall promptly identify if the utility's
33 distribution system's contribution is greater than one milliamp
34 or one volt, measured in the same manner as the preventive
35 action level. For purposes of this determination, the bill

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1 provides that stray current or voltage on the utility's
2 distribution system shall be attributed to the utility,
3 even if caused by other customers connected to the utility's
4 distribution system. If that portion of the stray current or
5 voltage at cow contact points attributable to the utility's
6 distribution system exceeds one milliamp or one volt, the
7 bill directs the utility to within 15 business days commence
8 and diligently pursue to completion remedial procedures which
9 result in, and are reasonably likely to sustain, a reduction
10 of the stray current or voltage to one milliamp or less or one
11 volt or less, measured in accordance with the rules established
12 by the board.

13 The bill provides that a civil action shall not be commenced
14 by a dairy producer against a utility seeking damages or other
15 relief allegedly due to injury caused by stray current or
16 voltage unless the dairy producer has provided notice of its
17 participation in the stray current or voltage program at least
18 90 days prior to filing the action. The bill states that in
19 such an action the written documentation prepared by or on
20 behalf of the board may be admissible in evidence, but that any
21 and all civil damages shall be determined by a court of law
22 based on evidence provided by both parties.



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Senate File 2287 - Introduced

SENATE FILE 2287
BY COMMITTEE ON ECONOMIC
GROWTH/REBUILD IOWA

(SUCCESSOR TO SF 2222)

A BILL FOR

1 An Act requiring American products to be used for public
2 improvements, providing a penalty, and including
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 73.22 Title.
2 This division may be cited as the "*Iowa Buy American Act*".
3 Sec. 2. NEW SECTION. 73.23 Definitions.
4 1. "*Construction*" includes reconstruction, alteration,
5 repair, improvement, and maintenance.
6 2. "*Governmental unit*" means the state, or any county, city,
7 or other political subdivision or any department, division,
8 board, or other agency of any of these entities.
9 3. "*Manufactured in the United States*" means:
10 a. For an iron or steel product, all the manufacturing of
11 the iron or steel product, other than metallurgical processes
12 involving the refinement of steel additives, took place in the
13 United States.
14 b. For a manufactured good which is not an iron or steel
15 product, all of the following:
16 (1) All the manufacturing processes for the manufactured
17 good took place in the United States.
18 (2) All of the components of the manufactured good are
19 of United States origin. A component shall be considered of
20 United States origin if all of the component's manufacturing
21 processes took place in the United States, regardless of the
22 origin of its subcomponents.
23 4. "*Public improvement*" means any structure, building,
24 highway, waterway, street, bridge, transit system, airport, or
25 other betterment, work, or improvement, whether of a permanent
26 or temporary nature and whether for governmental or proprietary
27 use.
28 5. "*United States*" means the United States of America and
29 includes all territory, continental or insular, subject to the
30 jurisdiction of the United States.
31 Sec. 3. NEW SECTION. 73.24 Use of American products for
32 public improvements required.
33 Each contract for the construction of a public improvement
34 made by a governmental unit shall contain a provision requiring
35 that the iron, steel, and manufactured goods used or supplied

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1 in the performance of the contract or any subcontract thereto
2 be manufactured in the United States.

3 Sec. 4. NEW SECTION. 73.25 Waiver.

4 1. Section 73.24 may be waived for a contract for the
5 construction of a public improvement made by a governmental
6 unit if a person with the necessary authority for the
7 governmental unit finds any of the following:

8 a. Application of section 73.24 would be contrary to the
9 public interest.

10 b. The products necessary for the public improvement are
11 not produced in the United States in sufficient and reasonably
12 available quantities and of a satisfactory quality.

13 c. Application of section 73.24 would increase the cost of
14 the contract by more than five percent.

15 2. If a person with the necessary authority for a
16 governmental unit determines that a waiver pursuant to this
17 section may be appropriate, the person shall do all of the
18 following before granting a waiver:

19 a. Prepare a detailed, written justification as to why
20 the waiver is needed. The justification shall be published
21 on the governmental unit's internet site and at least once in
22 a newspaper of general circulation in any county where the
23 public improvement will occur. The justification shall also
24 be made available to any member of the public upon request.
25 The justification shall include notice of the opportunity for
26 public comment required by paragraph "b".

27 b. Provide an opportunity for public comment on the
28 justification for a reasonable period of time not to exceed
29 fifteen days.

30 c. Consider all comments received during the comment period
31 in evaluating whether to waive section 73.24.

32 3. If a person with the necessary authority for a
33 governmental unit, in consultation with the United States trade
34 representative, determines all of the following regarding a
35 foreign country, this subsection shall not apply to products

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1 finds that application of the requirement would be contrary to
2 the public interest, that the products necessary for the public
3 improvement are not produced in the United States in sufficient
4 and reasonably available quantities and of a satisfactory
5 quality, or that the requirement would increase the cost of the
6 contract by more than 5 percent.

7 The bill provides that before a person can grant a waiver of
8 the requirement, the person must publish and make available a
9 detailed, written justification as to why the waiver is needed.
10 The justification is to include notice of an opportunity for
11 public comment. The comment period is to be for a reasonable
12 period of time not to exceed 15 days. The person must consider
13 all comments received during the comment period in evaluating
14 whether to grant a waiver. The bill limits waiver authority
15 for foreign countries which violate the terms of certain trade
16 agreements with the United States.

17 The bill provides that a person is ineligible to receive
18 any contract or subcontract with a governmental unit if a
19 court or federal or state agency determines that the person
20 intentionally represented that any product used in a public
21 improvement was manufactured in the United States when the
22 product was not manufactured in the United States or affixed
23 a label bearing a "Made in America" inscription, or any
24 inscription with the same meaning, to any product used in a
25 public improvement when the product was not manufactured in the
26 United States.

27 The bill may include a state mandate as defined in Code
28 section 25B.3. The bill makes inapplicable Code section 25B.2,
29 subsection 3, which would relieve a political subdivision from
30 complying with a state mandate if funding for the cost of
31 the state mandate is not provided or specified. Therefore,
32 political subdivisions are required to comply with any state
33 mandate included in the bill.

34 The bill applies to public improvement contracts entered
35 into on or after July 1, 2012.

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Senate File 2288 - Introduced

SENATE FILE 2288
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 2093)

A BILL FOR

1 An Act relating to requirements for drivers of vehicles at
2 railroad grade crossings upon the approach or presence of
3 railroad track equipment, and making a penalty applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 321.341, Code 2011, is amended to read
2 as follows:

3 **321.341 Obedience to signal ~~of~~ indicating approach of**
4 **railroad train or railroad track equipment.**

5 1. When a person driving a vehicle approaches a railroad
6 grade crossing and warning is given by automatic signal,
7 crossing gates, a flag person, or otherwise of the immediate
8 approach of a railroad train or railroad track equipment, the
9 driver of the vehicle shall stop within fifty feet but not less
10 than fifteen feet from the nearest rail and shall not proceed
11 until the driver can do so safely.

12 2. The driver of a vehicle shall stop and remain standing
13 and not traverse such a grade crossing when a crossing gate
14 is lowered or when a human flagman gives or continues to give
15 a signal of the approach or passage of a railroad train or
16 railroad track equipment.

17 Sec. 2. Section 321.342, subsection 1, Code 2011, is amended
18 to read as follows:

19 1. The driver of any vehicle approaching a railroad grade
20 crossing across which traffic is regulated by a stop sign, a
21 railroad sign directing traffic to stop, or an official traffic
22 control signal displaying a flashing red or steady circular red
23 colored light shall stop prior to ~~crossing~~ driving across the
24 railroad grade crossing at the first opportunity at either the
25 clearly marked stop line or at a point near the crossing where
26 the driver has a clear view of the approaching railroad ~~traffic~~
27 train or railroad track equipment.

28 Sec. 3. Section 321.343, subsection 1, Code 2011, is amended
29 to read as follows:

30 1. The driver of a motor vehicle carrying passengers for
31 hire, a school bus, or a vehicle carrying hazardous material
32 and required to stop before ~~crossing~~ driving across a railroad
33 track by motor carrier safety rules adopted under section
34 321.449, before ~~crossing~~ driving across at grade any track of
35 a railroad, shall stop the vehicle within fifty feet but not

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1 less than fifteen feet from the nearest rail. While stopped,
 2 the driver shall listen and look in both directions for an
 3 approaching railroad train or railroad track equipment, and for
 4 signals indicating the approach of a railroad train or railroad
 5 track equipment, and shall not proceed until the driver can do
 6 so safely.

7 Sec. 4. Section 321.343, subsection 2, paragraph a, Code
 8 2011, is amended to read as follows:

9 a. If the driver is not always required to stop at a
 10 railroad crossing, slow down when approaching the crossing and
 11 check that the railroad tracks are clear of an approaching
 12 railroad train or railroad track equipment before proceeding.

13 Sec. 5. Section 321.344, subsections 2, 3, and 4, Code 2011,
 14 are amended to read as follows:

15 2. Notice of ~~any such~~ the intended crossing shall be given
 16 to a superintendent of ~~such the~~ the railroad, and a reasonable
 17 time shall be given to ~~such the~~ the railroad to provide proper
 18 protection at ~~such the~~ the crossing.

19 3. Before making ~~any such the~~ the crossing, the person operating
 20 or moving ~~any such the~~ the vehicle or equipment shall first stop
 21 the ~~same~~ vehicle or equipment not less than ten feet nor more
 22 than fifty feet from the nearest rail of ~~such railway the~~
 23 railroad and, while ~~so~~ stopped, shall listen and look in both
 24 directions along ~~such the~~ the track for any approaching railroad
 25 train or railroad track equipment and for signals indicating
 26 the approach of a railroad train or railroad track equipment,
 27 and shall not proceed until the crossing can be made safely.

28 4. No such crossing shall be made when warning is given by
 29 automatic signal or crossing gates or a flagman or otherwise
 30 of the immediate approach of a railroad train or ~~ear~~ railroad
 31 track equipment.

EXPLANATION

32
 33 This bill amends Code provisions relating to requirements
 34 for drivers of vehicles at railroad grade crossings. The bill
 35 provides that in any situation where a driver is required

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1 to stop or proceed with caution when given warning of an
2 approaching railroad train or is required to stop or be alert
3 for an approaching railroad train, the requirement also applies
4 in the case of approaching railroad track equipment.
5 Pursuant to current law, a person convicted of a railroad
6 crossing violation commits a simple misdemeanor punishable by a
7 scheduled fine of \$200.



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Senate File 2289 - Introduced

SENATE FILE 2289
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 2180)

A BILL FOR

1 An Act relating to the Iowa disaster aid individual assistance
2 grant program administered by the department of human
3 services.

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

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jp/sc



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1 Section 1. Section 29C.20A, subsection 2, Code Supplement
 2 2011, is amended to read as follows:

3 2. The grant funds shall be administered by the department
 4 of human services. The department shall adopt rules to create
 5 the Iowa disaster aid individual assistance grant program. The
 6 rules shall specify the eligibility of applicants and eligible
 7 items for grant funding. The executive council shall use
 8 grant funds to reimburse the department of human services for
 9 its actual expenses associated with the administration of the
 10 grants. The department of human services may implement an
 11 ongoing contract with a provider or providers of a statewide
 12 program with local offices throughout the state to serve as the
 13 local administrative entity for the grant program so that the
 14 program can be implemented with minimal delay when a disaster
 15 occurs in a local area. The rules adopted by the department
 16 of human services for the program shall include but are not
 17 limited to all of the following:

18 a. If a local administrative entity is under contract with
 19 the state to provide other services or is implementing a state
 20 or federal program and the contract contains a sufficient
 21 surety bond or other adequate financial responsibility
 22 provision, the department shall accept the existing surety
 23 bond or financial responsibility provision in lieu of applying
 24 a new or additional surety bond or financial responsibility
 25 requirement.

26 b. If the president of the United States has declared a
 27 major disaster to exist in this state and federal aid is made
 28 available to provide assistance grants to individuals similar
 29 to that provided by the Iowa disaster aid individual assistance
 30 grant program, the Iowa program shall be discontinued.

31 c. Authorization for the local administrative entity to draw
 32 grant funding to pay valid claims on at least a weekly basis.

33 d. If the local administrative entity operates another
 34 program and, in accordance with the federal office of
 35 management and budget cost principles for nonprofit

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1 organizations, receives a federally approved indirect cost
 2 rate or has a state-recognized cost plan, the administrative
 3 entity's administrative costs for the grant program shall
 4 be paid in accordance with the cost rate provisions or cost
 5 plan, as applicable. Otherwise, the administrative entity's
 6 administrative costs shall be limited to ten percent of the
 7 amount of the grant funds administered by the entity.

8 EXPLANATION

9 This bill relates to the Iowa disaster aid individual
 10 assistance grant program administered by the department of
 11 human services.

12 The department is authorized by the bill to implement an
 13 ongoing contract with a provider or providers of a statewide
 14 program with local offices throughout the state to serve as the
 15 local administrative entity for the grant program so that the
 16 program can be implemented with minimal delay when a disaster
 17 occurs in a local area.

18 The rules adopted by the department of human services
 19 are required by the bill to include the following: require
 20 acceptance of an administrative entity's existing surety bond
 21 or other financial responsibility provisions from another
 22 contract with the state; provide for the state grant program
 23 to discontinue if federal aid provisions are implemented; and
 24 provide for the administrative entity to draw grant funding
 25 on at least a weekly basis; provide certain methods for
 26 calculating the administrative entity's administrative costs.



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Senate File 2290 - Introduced

SENATE FILE 2290
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SF 2073)

A BILL FOR

1 An Act relating to persons who are no longer authorized to
2 operate as commercial breeders, and providing for penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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da/nh



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1 Section 1. Section 162.2A, Code 2011, is amended by adding
 2 the following new subsections:

3 NEW SUBSECTION. 6. A commercial establishment may
 4 relinquish an authorization issued or renewed by the department
 5 pursuant to this section, in a manner required by the
 6 department.

7 NEW SUBSECTION. 7. Notwithstanding this section, the
 8 department may issue a temporary authorization to a person in
 9 order to wind up the affairs of a commercial establishment.

10 Sec. 2. NEW SECTION. **162.8A Operation of a commercial**
 11 **breeder — authorization invalid.**

12 1. This section applies to a person issued an authorization
 13 by the department in the form of a state license or permit,
 14 for operation as a commercial breeder, if the person's
 15 authorization becomes invalid because it has expired and has
 16 not been renewed by the department as provided in section
 17 162.2A, was revoked by the department as provided in section
 18 162.10D, or was relinquished to the department as provided in
 19 section 162.2A.

20 2. Not later than one hundred twenty days after the person's
 21 authorization is no longer valid, the person must at least do
 22 one of the following:

23 a. Obtain a new authorization issued by the department to
 24 operate as a commercial breeder.

25 b. Sterilize the dogs or cats in the same manner as
 26 prescribed in section 162.20.

27 c. Dispose of the dogs or cats. The person may accomplish
 28 the disposition by transferring title, possession, and control
 29 of unsterilized dogs or cats to another person. The person may
 30 sell the dogs or cats to another person if issued a temporary
 31 authorization as provided in section 162.2A. Alternatively,
 32 the person may accomplish the disposition by humane destruction
 33 in the manner provided in section 162.13.

34 3. Not later than one hundred twenty days after the person's
 35 authorization is no longer valid, the person shall submit a

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1 written statement to the department. The statement shall
 2 detail how the person complied with the requirements of this
 3 section, including by identifying the dogs or cats that have
 4 been sterilized or disposed of by transfer to another or humane
 5 destruction. The statement shall also identify the dogs or
 6 cats that were not sterilized or subject to disposition as
 7 allowed in this section.

8 4. The person is subject to the provisions of chapter 717B.

9 5. Notwithstanding subsection 2, a person whose
 10 authorization becomes invalid may continue to own, possess, and
 11 control up to three dogs or cats capable of breeding.

12 Sec. 3. Section 162.12A, Code 2011, is amended by adding the
 13 following new subsection:

14 NEW SUBSECTION. 1A. A person whose authorization to operate
 15 as a commercial breeder is invalid and who does not comply
 16 with the requirements of section 162.8A is subject to a civil
 17 penalty of not more than five hundred dollars. Each day that a
 18 violation continues shall be deemed a separate offense.

EXPLANATION

19
 20 BACKGROUND. In 2010, the general assembly enacted HF
 21 2280 (2010 Iowa Acts, ch. 1030) authorizing the department
 22 of agriculture and land stewardship (department) to regulate
 23 commercial establishments that possess or control animals,
 24 other than animals used for an agricultural purpose (Code
 25 chapter 162). A commercial establishment includes an animal
 26 shelter, pound, or research facility which must be issued a
 27 certificate of registration; a pet shop, boarding kennel, or
 28 commercial kennel which must be issued a state license; and
 29 a commercial breeder, dealer, or public auction which must
 30 be issued a state license, but may be issued a permit if
 31 federally licensed. All of these documents are referred to
 32 as authorizations (Code section 162.2A). The department may
 33 take disciplinary action against a commercial establishment by
 34 suspending or revoking its authorization.

35 RELINQUISHMENT. The bill provides that a commercial

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1 establishment may relinquish an authorization according to
2 rules adopted by the department.

3 COMMERCIAL BREEDERS WHOSE STATE LICENSES OR PERMITS HAVE
4 BEEN REVOKED OR RELINQUISHED. The bill provides that a person
5 whose state license or permit for operation as a commercial
6 breeder was revoked must comply with one of three requirements.
7 First, the person may obtain a new state license or permit.
8 Second, the person may sterilize the dogs or cats. Third,
9 the person may reduce the number of dogs or cats owned by the
10 person or in the person's possession or under its control.
11 The reduction may be accomplished by transfer or humane
12 destruction. The person must also submit a statement to the
13 department verifying how the person complied with the bill's
14 requirements. Notwithstanding the sterilization and reduction
15 requirements, the person may keep three or fewer breeding dogs
16 or cats.

17 CIVIL PENALTIES. The bill provides that a person who does
18 not comply with the compliance requirements is subject to a
19 civil penalty of not more than \$500 and each day that violation
20 continues constitutes a separate offense.



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Senate File 2291 - Introduced

SENATE FILE 2291
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3095)

A BILL FOR

1 An Act providing for charitable food donations to food banks
2 and similar organizations, including by providing for
3 appropriations and a tax credit and including applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 of the Internal Revenue Code and exempt from taxation under
2 section 501(a) of the Internal Revenue Code.
3 *c.* It receives contributions that are deductible under
4 section 170 of the Internal Revenue Code.
5 5. "Iowa food bank association" or "association" means an
6 organization that meets all of the following requirements:
7 *a.* It is organized as a nonprofit corporation under chapter
8 504.
9 *b.* Its principal office is or has been located in this
10 state.
11 *c.* It is an organization described in section 501(c)(3)
12 of the Internal Revenue Code and exempt from taxation under
13 section 501(a) of the Internal Revenue Code.
14 *d.* It receives contributions that are deductible under
15 section 170 of the Internal Revenue Code.
16 *e.* Its members include Iowa food banks, or affiliations
17 of Iowa food banks, that together serve all counties in this
18 state.

SUBCHAPTER II

IOWA FOOD-LINK TO FOOD-BANK INITIATIVE

21 Sec. 3. NEW SECTION. **190B.201 Definition.**
22 As used in this subchapter, "department" means the department
23 of human services.
24 Sec. 4. NEW SECTION. **190B.202 Department of human services**
25 **— cooperation with other agencies.**
26 1. This subchapter shall be administered by the department
27 of human services.
28 2. The department shall adopt all rules necessary to
29 administer this subchapter.
30 3. Each fiscal year, the department shall award the
31 amount appropriated in section 190B.203, to an Iowa food bank
32 association selected by the department to manage programs
33 associated with an Iowa food-link to food-bank initiative.
34 The department shall execute a contract with the association
35 to provide for the terms and conditions of the program's

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1 management. A contract shall not obligate the state to pay
2 moneys for multiple fiscal years.

3 4. The department of agriculture and land stewardship,
4 the department of public health, and the department of
5 inspections and appeals shall cooperate with the department of
6 human services to administer the Iowa food-link to food-bank
7 initiative.

8 Sec. 5. NEW SECTION. 190B.203 Iowa food-link to food-bank
9 initiative — appropriation.

10 1. For the fiscal year beginning July 1, 2012, and ending
11 June 30, 2013, and for each subsequent fiscal year, there
12 is appropriated from the general fund of the state to the
13 department of human services the amount of two million dollars
14 to support an Iowa food-link to food-bank initiative to further
15 the purpose provided in section 190B.101.

16 2. The department of human services shall allocate
17 one million eight hundred thousand dollars of the amount
18 appropriated in subsection 1 to an Iowa food bank association
19 selected by the department as provided in section 190B.201 for
20 purposes of supporting the following programs:

21 a. An Iowa emergency food purchase program. The department
22 shall allocate one million seven hundred thousand dollars to
23 the association for the purchase of food on behalf of an Iowa
24 emergency feeding organization or for the distribution of
25 moneys to Iowa emergency feeding organizations for the purchase
26 of food.

27 (1) A preference shall be provided to the purchase of food
28 produced, processed, or packaged within this state whenever
29 reasonably practicable.

30 (2) The food shall be purchased in a manner that best
31 furthers a significant economic benefit to communities of this
32 state.

33 b. An Iowa emergency food nutritional education program.
34 The department shall allocate one hundred thousand dollars to
35 the association to distribute the moneys to one or more Iowa

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1 emergency feeding organizations in order to provide instruction
 2 regarding nutrition and promote a lifelong healthy diet.

3 3. The department of human services shall allocate two
 4 hundred thousand dollars of the amount appropriated in
 5 subsection 1 to an Iowa food bank association selected by the
 6 department as provided in section 190B.202 for purposes of
 7 administering the programs provided in that section.

8 SUBCHAPTER III

9 FROM FARM TO FOOD DONATION TAX CREDIT

10 Sec. 6. NEW SECTION. 190B.301 **Definitions.**

11 As used in this subchapter, unless the context otherwise
 12 requires:

13 1. "*Agricultural land*" means the same as defined in section
 14 425A.2.

15 2. "*Department*" means the department of revenue.

16 3. "*Food commodity*" means any commodity that is derived
 17 from an agricultural animal or crop, both as defined in section
 18 717A.1, which was produced on agricultural land and which is
 19 intended to be used as food.

20 4. "*Tax credit*" means the from farm to food donation tax
 21 credit as established in this subchapter.

22 Sec. 7. NEW SECTION. 190B.302 **Department of revenue —**
 23 **cooperation with other departments.**

24 1. This subchapter shall be administered by the department
 25 of revenue.

26 2. The department shall adopt all rules necessary to
 27 administer this subchapter.

28 3. The department of agriculture and land stewardship, the
 29 department of public health, the department of human services,
 30 and the department of inspections and appeals shall cooperate
 31 with the department of revenue to administer this subchapter.

32 Sec. 8. NEW SECTION. 190B.303 **From farm to food donation**
 33 **tax credit.**

34 A from farm to food donation tax credit is allowed against
 35 the taxes imposed in chapter 422, divisions II and III, as

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1 provided in this subchapter.

2 Sec. 9. NEW SECTION. 190B.304 From farm to food donation
3 tax credit — eligibility.

4 In order to qualify for a from farm to food donation tax
5 credit, all of the following must apply:

6 1. The taxpayer must produce the donated food commodity.

7 2. The taxpayer must transfer title to a food commodity to
8 an Iowa food bank, or an Iowa emergency feeding organization,
9 recognized by the department. The taxpayer shall not receive
10 remuneration for the transfer.

11 3. a. The food commodity must be intended for human
12 consumption in its raw or processed state.

13 (1) A food commodity in its raw state for processing
14 includes but is not limited to milk, eggs, vegetables, fruits,
15 nuts, syrup, and honey.

16 (2) A food commodity in its processed state includes but is
17 not limited to dairy products, meat, or poultry products.

18 b. A food commodity cannot be damaged or out-of-condition
19 and declared to be unfit for human consumption by a federal,
20 state, or local health official. A food commodity that meets
21 the requirements for donated foods pursuant to the federal
22 emergency food assistance program satisfies this requirement.

23 4. A taxpayer claiming the tax credit shall provide
24 documentation supporting the tax credit claim in a form and
25 manner prescribed by the department by rule.

26 Sec. 10. NEW SECTION. 190B.305 From farm to food donation
27 tax credit — claims filed by individuals who belong to business
28 entities.

29 An individual may claim a from farm to food donation
30 tax credit of a partnership, limited liability company,
31 S corporation, estate, or trust electing to have income
32 taxed directly to the individual. The amount claimed by the
33 individual shall be based upon the pro rata share of the
34 individual's earnings from the partnership, limited liability
35 company, S corporation, estate, or trust.

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1 individuals or families in need who reside in this state.

2 IOWA FOOD-LINK TO FOOD-BANK INITIATIVE. The bill creates
3 an Iowa food-link to food-bank initiative administered by the
4 department of human services. Each fiscal year, moneys from
5 the general fund are appropriated to the department in order to
6 support several programs managed by an association representing
7 Iowa food banks. The programs include the purchase of
8 food, the improvement of food storage and distribution
9 infrastructure, and instruction regarding nutrition and diet.

10 TAX CREDIT — GENERAL. The bill establishes a from farm
11 to food donation tax credit against individual or corporate
12 income taxes. The tax credit may be claimed by the taxpayer
13 who produces the food. The tax credit is administered by the
14 department of revenue.

15 TAX CREDIT — TAXPAYERS. The bill provides that the taxpayer
16 may claim a tax credit for 10 percent of the fair market value
17 of donated commodities up to \$5,000. The bill requires that
18 the commodities be suitable for human consumption. The bill
19 provides that the tax credit is not refundable but allows a
20 taxpayer to carry forward the tax credit for up to five years.
21 An individual may claim a tax credit of a partnership, limited
22 liability company, S corporation, estate, or trust electing to
23 have income taxed directly to the individual.

24 TAX CREDIT — APPLICABILITY. The tax credit applies to tax
25 years beginning on or after January 1, 2013.



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Senate File 2292 - Introduced

SENATE FILE 2292
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 3180)

(COMPANION TO LSB 6031HV BY
COMMITTEE ON LOCAL GOVERNMENT)

A BILL FOR

1 An Act to legalize the proceedings of the City Council
2 of Ankeny, Iowa, including all legal notices given,
3 in connection with the making of a contract for the
4 construction of certain improvements to the NE 7th
5 Street Sanitary Sewer Improvement Project with Pirc-Tobin
6 Construction, Inc. of Alburnett, Iowa, in connection with,
7 and to legalize said contract, and authorize its performance
8 by said Council and the financing including project notes
9 issued thereof.

10 WHEREAS, on August 15, 2011, the City Council passed a
11 resolution ordering the construction of certain improvements
12 to the NE 7th Street Sanitary Sewer Improvement Project of
13 said City, and directed publication of a Notice of Hearing and
14 Letting, pursuant to the provisions of Chapters 26 and 384 of
15 the Code of Iowa, 2011; and

16 WHEREAS, on September 19, 2011, said City entered into a
17 contract for the construction of said improvements, covered by
18 the resolution ordering construction hereinabove mentioned,
19 with Pirc-Tobin Construction, Inc., which company thereafter
20 filed its performance and maintenance bond with the City; and

21 WHEREAS, said construction work has now been commenced and a
22 portion completed by said contractor, and said contractor has
23 been partially paid for such work from available bond proceeds
24 of said City; and

25 WHEREAS, doubts have arisen concerning the legality of the

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Senate File 2292 - Introduced

26 construction contract due to the omission of the publication
27 of Notice of Hearing and Letting as required by Section 26.3
28 of the Iowa Code, and further due to said omission, doubts
29 have arisen concerning the power of the Council to order
30 disbursement of additional funds to the contractor and to
31 issue and sell bonds to pay for the remaining cost of said
32 improvements, and it is deemed advisable to put such doubts
33 forever at rest; NOW THEREFORE,
34 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. All proceedings heretofore taken by the City
2 Council of Ankeny, Iowa, including all legal notices given,
3 in connection with and pertaining to the execution of the
4 contract with Pirc-Tobin Construction, Inc. of Alburnett,
5 Iowa, on September 19, 2011, for the construction of certain
6 improvements to the NE 7th Street Sanitary Sewer Improvement
7 Project of said City and said contract itself, are hereby
8 legalized, validated and confirmed, and shall constitute full
9 authority for the said City Council to order the disbursement
10 of the funds, including notes and bond funds, of said City to
11 said contractor, and to issue and sell general obligations
12 bonds, in the manner prescribed by law, to pay for the costs
13 of said improvements, and said bonds when so issued, shall be
14 valid, legal and binding obligations of said City.

15 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
16 immediate importance, shall be in full force and effect upon
17 enactment.

18 EXPLANATION

19 This bill legalizes the action of the city of Ankeny which
20 executed a contract relating to the construction of public
21 improvements pursuant to a contract executed by the city
22 without first publishing an advertisement for sealed bids in
23 the manner required pursuant to Code section 26.3. The bill
24 takes effect upon enactment.



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Senate File 2293 - Introduced

SENATE FILE 2293
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3066)

A BILL FOR

1 An Act relating to various matters under the purview of the
2 insurance division of the department of commerce, providing
3 penalties, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 135.22A, subsection 2, paragraph g, Code
2 2011, is amended by striking the paragraph.

3 Sec. 2. Section 502.412, subsection 3, Code 2011, is amended
4 to read as follows:

5 3. *Disciplinary penalties — registrants.* If the
6 administrator finds that the order is in the public interest
7 and subsection 4, paragraphs “a” through “f”, “h”, “i”, “j”,
8 “l”, or “m”, authorizes the action, an order under this chapter
9 may censure, impose a bar, or impose a civil penalty in an
10 amount not to exceed a maximum of ~~five ten~~ thousand dollars
11 for a single violation or ~~five hundred thousand~~ one million
12 dollars for more than one violation, or in an amount as agreed
13 to by the parties, on a registrant, and, if the registrant is
14 a broker-dealer or investment adviser, a partner, officer,
15 director, or person having a similar status or performing
16 similar functions, or a person directly or indirectly in
17 control, of the broker-dealer or investment adviser.

18 Sec. 3. Section 502.604, subsection 4, Code Supplement
19 2011, is amended to read as follows:

20 4. *Civil penalty — restitution — corrective action.* In a
21 final order under subsection 3, the administrator may impose a
22 civil penalty up to an amount not to exceed a maximum of ~~five~~
23 ten thousand dollars for a single violation or ~~five hundred~~
24 thousand one million dollars for more than one violation, or
25 in an amount as agreed to by the parties, order restitution,
26 or take other corrective action as the administrator deems
27 necessary and appropriate to accomplish compliance with
28 the laws of the state relating to all securities business
29 transacted in the state.

30 Sec. 4. Section 502.604, Code Supplement 2011, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 5A. *Failure to obey cease and desist*
33 *order.* A person who fails to obey a valid cease and desist
34 order issued by the administrator under this section may, after
35 notice and opportunity for a hearing, be subject to a civil



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1 penalty in an amount of not less than one thousand dollars and
2 not to exceed ten thousand dollars for violating the order.
3 Each day the failure to obey the cease and desist order occurs
4 or continues constitutes a separate violation of the order.
5 The penalties provided in this subsection are in addition to,
6 and not exclusive of, other remedies that may be available.

7 Sec. 5. Section 505.8, subsection 10, Code Supplement 2011,
8 is amended to read as follows:

9 10. The commissioner may, after a hearing conducted
10 pursuant to chapter 17A, assess fines or penalties; assess
11 costs of an examination, investigation, or proceeding;
12 order restitution; or take other corrective action as the
13 commissioner deems necessary and appropriate to accomplish
14 compliance with the laws of the state relating to all insurance
15 business transacted in the state.

16 Sec. 6. NEW SECTION. 506.14 **Voluntary dissolution of**
17 **domestic mutual insurance companies.**

18 1. Any plan for voluntary dissolution of a domestic
19 mutual insurance company licensed to transact the business
20 of insurance under chapter 508, 515, 518, or 518A shall be
21 presented for approval by the commissioner not less than ninety
22 days in advance of notice of the plan to policyholders.

23 2. The commissioner shall approve the plan if the
24 commissioner finds that the plan complies with all applicable
25 provisions of law and is fair and equitable to the domestic
26 mutual insurance company and its policyholders.

27 Sec. 7. Section 507.10, subsection 4, paragraph a, Code
28 2011, is amended to read as follows:

29 a. All orders entered pursuant to subsection 3, paragraph
30 "a", shall be accompanied by findings and conclusions resulting
31 from the commissioner's consideration and review of the
32 examination report, relevant examiner work papers, and any
33 written submissions or rebuttals. Any such order is a final
34 administrative decision and may be appealed pursuant to chapter
35 17A, and shall be served upon the company by certified mail,

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1 together with a copy of the adopted examination report. ~~Within~~
 2 ~~thirty days of the issuance of the adopted report, the company~~
 3 ~~shall file affidavits executed by each of its directors stating~~
 4 ~~under oath that they have received a copy of the adopted report~~
 5 ~~and related orders. The board of directors of the company~~
 6 ~~shall timely review the adopted report. The minutes of the~~
 7 ~~meeting of the board at which the adopted report is considered~~
 8 ~~shall reflect that each member of the board has reviewed the~~
 9 ~~adopted report.~~

10 Sec. 8. Section 507.14, subsection 4, Code 2011, is amended
 11 to read as follows:

12 4. Confidential documents, materials, information,
 13 administrative or judicial orders, or other actions may be
 14 disclosed to a regulatory official of any state, federal
 15 agency, or foreign country provided that the recipients are
 16 required, under their law, to maintain their confidentiality.
 17 Confidential records may be disclosed to the national
 18 association of insurance commissioners, the international
 19 association of insurance supervisors, and the bank for
 20 international settlements, provided that the association
 21 certifies associations and the bank certify by written
 22 statement that the confidentiality of the records will be
 23 maintained.

24 Sec. 9. Section 507B.4, Code 2011, is amended by adding the
 25 following new subsection:

26 NEW SUBSECTION. 20. *Refund of unearned premium.* Failure of
 27 an issuer of a Medicare supplement policy to adjust coverage
 28 dates to terminate coverage on the date that coincides with
 29 the effective date of a policy or contract providing any
 30 hospital, medical, prescription drug, or other health care
 31 benefits pursuant to 42 U.S.C. ch. 7, subch. XVIII, Part C,
 32 commonly known as Medicare Part C, pursuant to Tit. XVIII of
 33 the federal Social Security Act, or any regulations issued
 34 pursuant thereto, and to refund any unearned premium to the
 35 insured based on that revised termination date, where the



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1 c. A petition by the secretary of the treasury of the United
2 States concerning the insurer is granted by operation of law
3 under 12 U.S.C. § 5382(a)(1)(A)(v).

4 3. Notwithstanding any other provision of law to the
5 contrary, after notice to the insurer, a district court
6 may grant an order of rehabilitation or liquidation within
7 twenty-four hours after the filing of such a petition pursuant
8 to this section.

9 4. If the district court does not make a determination on a
10 petition for an order of rehabilitation or liquidation filed by
11 the commissioner pursuant to this section within twenty-four
12 hours after the filing of the petition, the order shall be
13 deemed granted by operation of law upon the expiration of the
14 twenty-four-hour period.

15 a. At the time that an order is deemed granted under this
16 subsection, the provisions of this chapter shall be deemed
17 to be in effect, and the commissioner shall be deemed to be
18 affirmed as receiver and to have all of the applicable powers
19 provided by this chapter, regardless of whether an order has
20 been entered by the district court.

21 b. If an order is deemed granted by operation of law under
22 this subsection, the district court shall expeditiously enter
23 an order of rehabilitation or liquidation that does all of the
24 following:

25 (1) Is effective as of the date that the order is deemed
26 granted by operation of law.

27 (2) Conforms to the provisions for rehabilitation or
28 liquidation of an insurer contained in this chapter, as
29 applicable.

30 5. An order of rehabilitation or liquidation made pursuant
31 to this section shall not be subject to a stay or injunction
32 pending appeal.

33 6. Nothing in this section shall be construed to supersede
34 or impair any other power or authority of the commissioner or
35 the district court under this chapter.

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1 Sec. 11. Section 507E.5, subsection 2, Code 2011, is amended
2 to read as follows:

3 2. The commissioner may share documents, materials, or
4 other information, including confidential and privileged
5 documents, materials, or other information, with other
6 state, federal, and international regulatory agencies, with
7 the national association of insurance commissioners and its
8 affiliates or subsidiaries, and with local, state, federal, and
9 international law enforcement authorities, provided that the
10 recipient agrees to maintain the confidential and privileged
11 status of the document, material, or other information,
12 pursuant to Iowa law.

13 Sec. 12. Section 511.8, subsection 14, Code Supplement
14 2011, is amended to read as follows:

15 14. *Urban real estate and personal property.*

16 a. Personal or real property or both located within the
17 United States or the Dominion of Canada, other than real
18 property used or to be used primarily for agricultural,
19 horticultural, ranching or mining purposes, which produces
20 income or which by suitable improvement will produce income.
21 However, personal property acquired under this subsection shall
22 be acquired for the purpose of entering into a contract for
23 the sale or for a use under which the contractual payments
24 may reasonably be expected to result in the recovery of the
25 investment and an investment return within the anticipated
26 useful life of the property. Legal title to the real property
27 may be acquired subject to a contract of sale.

28 b. "*Real property*" as used in this subsection includes a all
29 of the following:

- 30 (1) A leasehold of real estate, ~~an.~~
- 31 (2) An undivided interest in a leasehold of real estate, ~~and~~
32 an.
- 33 (3) An undivided interest in the fee title of real estate.
- 34 (4) A controlling membership, partnership, shareholder, or
35 trust interest in any entity created solely for the purpose



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1 of owning and operating any of the interests described in
 2 subparagraph (1), (2), or (3), if the entity is expressly
 3 limited to that purpose within its organizational documents.

4 c. Investments under this subsection are not eligible in
 5 excess of ten percent of the legal reserve.

6 Sec. 13. Section 511.8, subsection 19, Code Supplement
 7 2011, is amended to read as follows:

8 19. *Other foreign government or corporate obligations.*

9 a. Bonds or other evidences of indebtedness, not to
 10 include currency, issued, assumed, or guaranteed by a foreign
 11 government other than Canada, or by a corporation incorporated
 12 under the laws of a foreign government other than Canada. Such
 13 governmental obligations must be valid, legally authorized
 14 and issued, and on the date of acquisition have predominantly
 15 investment qualities and characteristics as provided by
 16 rule. Such corporate obligations must meet the qualifications
 17 established in subsection 5 for bonds and other evidences of
 18 indebtedness issued, assumed, or guaranteed by a corporation
 19 incorporated under the laws of the United States or Canada.
 20 Foreign investments authorized by this subsection are not
 21 eligible in excess of ~~twenty~~ twenty-five percent of the
 22 legal reserve of the life insurance company or association.
 23 Investments in obligations of a foreign government, other
 24 than Canada ~~and~~, the United Kingdom, and foreign governments
 25 rated AAA by Standard and Poor's division of McGraw-Hill
 26 companies, inc., or Aaa by Moody's investors services, inc.,
 27 are not eligible in excess of two percent of the legal reserve
 28 in the securities of foreign governments of any one foreign
 29 nation. Investments in obligations of the United Kingdom are
 30 not eligible in excess of four percent of the legal reserve.
 31 Investments in obligations of foreign governments rated either
 32 AAA by Standard and Poor's division of McGraw-Hill companies,
 33 inc., or Aaa by Moody's investors services, inc., are not
 34 eligible in excess of five percent of the legal reserve.
 35 Investments in a corporation incorporated under the laws of a

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1 foreign government other than Canada are not eligible in excess
 2 of two percent of the legal reserve in the securities of any
 3 one foreign corporation.

4 b. Eligible investments in foreign obligations under this
 5 subsection are limited to the types of obligations specifically
 6 referred to in this subsection. This subsection in no way
 7 limits or restricts investments in Canadian obligations and
 8 securities specifically authorized in other subsections of this
 9 section.

10 c. This subsection shall not authorize investment in
 11 evidences of indebtedness issued, assumed, or guaranteed by a
 12 foreign government which engages in a consistent pattern of
 13 gross violations of human rights.

14 Sec. 14. Section 511.8, subsection 23, Code Supplement
 15 2011, is amended by adding the following new paragraph:

16 NEW PARAGRAPH. *g.* For securities loaned pursuant to this
 17 subsection that are included in the legal reserve of the life
 18 insurance company or association, the collateral received for
 19 the loaned securities shall not be eligible for inclusion in
 20 the legal reserve.

21 Sec. 15. Section 511.40, Code 2011, is amended by adding the
 22 following new subsection:

23 NEW SUBSECTION. 5. *a.* The gross amount of premiums
 24 received by a life insurance company or association for an
 25 employer-owned life insurance contract which has not been
 26 allocated to another state shall be allocated to this state
 27 for purposes of section 432.1, subsection 1, if either of the
 28 following is applicable:

- 29 (1) The contract is issued or delivered in this state.
- 30 (2) The company or association is domiciled in this state.

31 *b.* To the extent that premiums are allocated to this state
 32 pursuant to paragraph "a", the provisions of section 505.14 are
 33 not applicable to those premiums.

34 *c.* As used in this subsection, "employer-owned life
 35 insurance contract" means a policy which provides coverage on

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1 a life for which the employer has an insurable interest under
2 this section or a similar provision of the laws of another
3 state and the policy is owned by either the employer or a trust
4 established by the employer for the benefit of the employer or
5 the employer's active or retired employees.

6 Sec. 16. Section 514.4, Code 2011, is amended to read as
7 follows:

8 **514.4 Directors.**

9 1. At least two-thirds of the directors of a hospital
10 service corporation, medical service corporation, dental
11 service corporation, or pharmaceutical or optometric service
12 corporation subject to this chapter shall be at all times
13 subscribers and not more than one-third of the directors
14 shall be providers as provided in this section. The board of
15 directors of each corporation shall consist of at least nine
16 members.

17 2. A subscriber director is a director of the board of
18 a corporation who is a subscriber and who is not a provider
19 of health care pursuant to section 514B.1, subsection 7, a
20 person who has material financial or fiduciary interest in the
21 delivery of health care services or a related industry, an
22 employee of an institution which provides health care services,
23 or a spouse or a member of the immediate family of such a
24 person. However, a subscriber director of a dental service
25 corporation may be an employee, officer, director, or trustee
26 of a hospital or other entity that does not have a provider
27 contract with the dental service corporation. A subscriber
28 director of a hospital or medical service corporation shall be
29 a subscriber of the services of that corporation.

30 3. A provider director of a corporation subject to this
31 chapter shall be at all times a person who has a material
32 financial interest in or is a fiduciary to or an employee
33 of or is a spouse or member of the immediate family of a
34 provider having a contract with such corporation to render to
35 its subscribers the services of such corporation or who is a

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1 hospital trustee.

2 4. A director may serve on a board of only one corporation
3 at a time subject to this chapter.

4 5. The commissioner of insurance shall adopt rules pursuant
5 to chapter 17A to implement the process of the election of
6 subscriber directors of the board of directors of a corporation
7 to ensure the representation of a broad spectrum of subscriber
8 interest on each board and establish criteria for the selection
9 of nominees. The rules shall provide for an independent
10 subscriber nominating committee to serve until the composition
11 of the board of directors meets the percentage requirements
12 of this section. Once the composition requirements of this
13 section are met, the nominations for subscriber directors
14 shall be made by the subscriber directors of the board under
15 procedures the board establishes which shall also permit
16 nomination by a petition of at least fifty subscribers. The
17 board shall also establish procedures to permit nomination of
18 provider directors by petition of at least fifty participating
19 providers. A member of the board of directors of a corporation
20 subject to this chapter shall not serve on the independent
21 subscriber nominating committee. The nominating committee
22 shall consist of subscribers as defined in this section. The
23 rules of the commissioner of insurance shall also permit
24 nomination of subscriber directors by a petition of at least
25 fifty subscribers, and nomination of provider directors
26 by a petition of at least fifty participating providers.
27 These petitions shall be considered only by the independent
28 nominating committee during the duration of the committee.
29 Following the discontinuance of the committee, the petition
30 process shall be continued and the board of directors of the
31 corporation shall consider the petitions. The independent
32 subscriber nominating committee is not subject to chapter 17A.
33 The nominating committee shall not receive per diem or expenses
34 for the performance of their duties.

35 6. Population factors, representation of different



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1 geographic regions, and the demography of the service area of
 2 the corporation subject to this chapter shall be considered
 3 when making nominations for the board of directors of a
 4 corporation subject to this chapter.

5 7. A corporation serving states in addition to Iowa shall be
 6 required to implement this section only for directors who are
 7 residents of Iowa and elected as board members from Iowa.

8 Sec. 17. Section 514E.1, Code 2011, is amended by adding the
 9 following new subsection:

10 NEW SUBSECTION. 12A. "HIPIOWA-FED" means the limited
 11 liability company organized by the association for the
 12 purposes of administering the state of Iowa temporary high-risk
 13 insurance pool program pursuant to a contract with the United
 14 States department of health and human services.

15 Sec. 18. Section 514E.2, subsection 2, Code 2011, is amended
 16 by striking the subsection and inserting in lieu thereof the
 17 following:

18 2. a. The board of directors of the association shall
 19 consist of seven voting members and seven nonvoting members.
 20 The voting members shall be appointed by the governor, subject
 21 to confirmation by the senate. The governor shall designate
 22 one voting member as chairperson and one as vice chairperson.

23 b. The voting members of the board of directors shall be
 24 appointed by the governor as follows:

25 (1) Two persons who represent the interests of small
 26 business from nominations made to the governor by nationally
 27 recognized groups that represent the interests of small
 28 business.

29 (2) Two persons who represent the interests of consumers
 30 from nominations made to the governor by nationally recognized
 31 groups that represent the interests of consumers.

32 (3) One person who is an insurance producer licensed under
 33 chapter 522B.

34 (4) One person who is a health care actuary or economist
 35 with expertise in health insurance.

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1 (5) One person who is a health care provider.
2 *c.* The nonvoting members are as follows:
3 (1) The commissioner or the commissioner's designee.
4 (2) The director of human services or the director's
5 designee.
6 (3) The director of public health or the director's
7 designee.
8 (4) Four members of the general assembly, one appointed
9 by the speaker of the house of representatives, one appointed
10 by the minority leader of the house of representatives,
11 one appointed by the majority leader of the senate, and one
12 appointed by the minority leader of the senate.
13 *d.* Meetings of the board of directors shall be held at
14 the call of the chairperson or upon the request of at least
15 two voting members. Four voting members shall constitute a
16 quorum and the affirmative vote of four voting members shall be
17 necessary for any action taken by the board.
18 *e.* The voting members of the board of directors shall be
19 appointed for staggered terms of three years within sixty days
20 after the effective date of this Act and by December 15 of each
21 year thereafter. The initial terms of the voting members of
22 the board shall be staggered at the discretion of the governor.
23 A voting member of the board is eligible for reappointment.
24 The governor shall fill a vacancy on the board in the same
25 manner as the original appointment for the remainder of the
26 term.
27 *f.* Members of the board may be reimbursed from the moneys
28 of the association for expenses incurred by them as members,
29 but shall not be otherwise compensated by the association for
30 their services.
31 Sec. 19. Section 514E.2, subsection 4, Code 2011, is amended
32 to read as follows:
33 4. a. The plan of operation may provide that the powers
34 and duties of the association may be delegated to a person who
35 will perform functions similar to those of the association.

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1 year, HIPIOWA-FED shall determine the net premiums and
 2 payments, the expenses of administration, and the incurred
 3 losses of the program for the year. HIPIOWA-FED shall certify
 4 the amount of any net loss for the preceding calendar year to
 5 the commissioner of insurance and director of revenue and to
 6 the United States department of health and human services. In
 7 the event that additional federal funding is not provided to
 8 HIPIOWA-FED to offset the loss, the loss shall be assessed by
 9 the association on behalf of HIPIOWA-FED to all members of the
 10 association in proportion to their respective shares of total
 11 health insurance premiums or payments for subscriber contracts
 12 received in Iowa during the second preceding calendar year, or
 13 with paid losses in the year, coinciding with or ending during
 14 the calendar year or on any other equitable basis as provided
 15 in the plan of operation of the association or as required by
 16 the United States department of health and human services. In
 17 sharing losses, the association, on behalf of HIPIOWA-FED, may
 18 abate or defer in any part the assessment of a member, if, in
 19 the opinion of the board of the association, payment of the
 20 assessment would endanger the ability of the member to fulfill
 21 its contractual obligations. The association, on behalf
 22 of HIPIOWA-FED, may also provide for an initial or interim
 23 assessment against members of the association if necessary to
 24 assure the financial capability of HIPIOWA-FED to meet the
 25 incurred or estimated claims expenses or operating expenses of
 26 the temporary high-risk insurance pool program until the next
 27 calendar year is completed. Net gains, if any, must be held at
 28 interest to offset future losses or allocated to reduce future
 29 premiums.

30 Sec. 22. Section 514E.2, Code 2011, is amended by adding the
 31 following new subsections:

32 NEW SUBSECTION. 12A. The association shall be considered a
 33 governmental body for purposes of chapter 21 and a government
 34 body for purposes of chapter 22. A person to whom the
 35 association delegates the duties and powers of the association

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1 shall be considered a governmental body for purposes of chapter
2 21 and a government body for purposes of chapter 22 to the
3 extent that the person carries out the powers and duties of the
4 association.

5 NEW SUBSECTION. 12B. HIPIOWA-FED shall be considered a
6 governmental body for purposes of chapter 21 and a government
7 body for purposes of chapter 22. A person to whom the duties
8 and powers of the limited liability company are delegated shall
9 be considered a governmental body for purposes of chapter
10 21 and a government body for purposes of chapter 22 to the
11 extent that the person carries out the powers and duties of the
12 limited liability company.

13 Sec. 23. Section 514J.103, subsection 1, Code Supplement
14 2011, is amended to read as follows:

15 1. Except as provided in subsection 2, this chapter shall
16 apply to all health carriers, including health carriers issuing
17 a policy or certificate that provides coverage for dental care.

18 Sec. 24. Section 514J.103, subsection 2, paragraph a, Code
19 Supplement 2011, is amended to read as follows:

20 a. A policy or certificate that provides coverage only for a
21 specified disease, specified accident or accident-only, credit,
22 disability income, hospital indemnity, long-term care, ~~dental~~
23 ~~care~~, vision care, or any other limited supplemental benefit.

24 Sec. 25. Section 515.26, Code 2011, is amended to read as
25 follows:

26 **515.26 Directors.**

27 The affairs of a company organized as provided by this
28 chapter shall be managed by a number of directors, of not less
29 than five nor more than twenty-one. ~~In the case of a mutual~~
30 ~~company, all such directors shall be policyholders.~~

31 Sec. 26. Section 515.69, subsection 1, Code 2011, is amended
32 to read as follows:

33 1. A stock insurance company organized under or by the
34 laws of any other state or foreign government for the purpose
35 specified in this chapter, shall not, directly or indirectly,



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1 by a corporation incorporated under the laws of the United
 2 States or a state, or the laws of Canada or a province of
 3 Canada, or limited partnerships publicly traded on a nationally
 4 established stock exchange in the United States. Aggregate
 5 investments in nondividend paying stocks shall not exceed five
 6 percent of surplus.

7 Sec. 30. Section 518A.12, subsection 4, paragraph f,
 8 unnumbered paragraph 1, Code 2011, is amended to read as
 9 follows:

10 Common stocks, common stock equivalents, mutual fund
 11 shares, securities convertible into common stocks or common
 12 stock equivalents, or preferred stocks issued or guaranteed
 13 by a corporation incorporated under the laws of the United
 14 States or a state, or the laws of Canada or a province of
 15 Canada, or limited partnerships publicly traded on a nationally
 16 established stock exchange in the United States. Aggregate
 17 investments in nondividend paying stocks shall not exceed five
 18 percent of surplus.

19 Sec. 31. Section 521E.1, subsection 4, unnumbered paragraph
 20 1, Code 2011, is amended to read as follows:

21 "*Domestic insurer*" means an insurance company domiciled in
 22 this state and licensed to transact the business of insurance
 23 under chapter 508, 512B, 515, or 520, except that it shall not
 24 include any of the following:

25 Sec. 32. Section 521E.1, subsection 4, paragraph b, Code
 26 2011, is amended by striking the paragraph.

27 Sec. 33. Section 521E.1, subsections 6 and 7, Code 2011, are
 28 amended to read as follows:

29 6. "*Foreign insurer*" means an insurance company not
 30 domiciled in this state which is licensed to transact the
 31 business of insurance in this state under chapter 508, 512B,
 32 515, or 520.

33 7. "*Life and health insurer*" means an insurance company
 34 licensed under chapter 508, a fraternal benefit society
 35 organized under chapter 512B, or a licensed property and



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1 casualty insurer writing only accident and health insurance
2 under chapter 515.

3 Sec. 34. Section 521E.3, subsection 1, paragraph a,
4 subparagraph (2), Code Supplement 2011, is amended to read as
5 follows:

6 (2) For a life and health insurer, the insurer's
7 total adjusted capital is greater than or equal to its
8 company-action-level risk-based capital but less than the
9 product of its authorized-control-level risk-based capital and
10 ~~two and one-half~~ three, and has a negative trend.

11 Sec. 35. Section 522C.6, Code 2011, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 3. a. A licensed public adjuster who,
14 after hearing, is found to have violated this chapter or any
15 rule adopted or order issued pursuant to this chapter, may
16 be ordered to cease and desist from engaging in the conduct
17 resulting in the violation and may be assessed a civil penalty
18 as provided in section 505.7A.

19 b. A person who, after hearing, is found to have violated
20 this chapter by acting as a public adjuster without proper
21 licensure may be ordered to cease and desist from engaging in
22 the conduct resulting in the violation and may be assessed a
23 civil penalty according to the provisions of chapter 507A.

24 c. If a person has engaged, is engaging, or is about to
25 engage in any act or practice constituting a violation of
26 this chapter or any rule adopted or order issued pursuant to
27 this chapter, the commissioner may issue a summary order that
28 includes a brief statement of findings of fact, conclusions of
29 law, and policy reasons for the order, and that directs the
30 person to cease and desist from engaging in the act or practice
31 constituting the violation and that may assess a civil penalty
32 or take other affirmative action as in the judgment of the
33 commissioner is necessary to assure that the person complies
34 with the requirements of this chapter as provided in chapter
35 507A.

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1 *d.* If a person does not comply with an order issued pursuant
2 to this subsection, the commissioner may petition a court of
3 competent jurisdiction to enforce the order. The court shall
4 not require the commissioner to post a bond in an action or
5 proceeding under this subsection. If the court finds, after
6 notice and opportunity for hearing, that the person is not in
7 compliance with an order, the court may adjudge the person to
8 be in civil contempt of the order. The court may impose a civil
9 penalty against the person for contempt in an amount not less
10 than three thousand dollars but not greater than ten thousand
11 dollars for each violation and may grant any other relief that
12 the court determines is just and proper in the circumstances.

13 Sec. 36. Section 598.20A, Code 2011, is amended to read as
14 follows:

15 **598.20A Beneficiary revocation — life insurance.**

16 1. Except as preempted by federal law, if a decree of
17 dissolution, annulment, or separate maintenance is issued after
18 ~~an insured~~ the policy owner of an insurance contract insuring
19 the policy owner's own life has designated the ~~insured's policy~~
20 owner's spouse or one or more relatives of the insured's policy
21 owner's spouse as a beneficiary under a life insurance policy
22 in effect on the date of the decree, a provision in the life
23 insurance policy making such a designation is voided by the
24 issuance of the decree unless any of the following apply:

25 *a.* The decree designates the ~~insured's policy owner's~~
26 spouse or one or more relatives of the insured's policy owner's
27 spouse as beneficiary.

28 *b.* After issuance of the decree, the ~~insured~~ policy owner
29 executes a designation of beneficiary form provided by the
30 insurance company naming the ~~insured's policy owner's~~
31 spouse or one or more relatives of the insured's policy owner's
32 former spouse as beneficiary.

33 *c.* The ~~insured~~ policy owner and the ~~insured's policy owner's~~
34 former spouse remarry.

35 2. If a beneficiary designation is not effective pursuant to



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1 Act, HIPIOWA-FED, the limited liability company organized by
2 the Iowa comprehensive health insurance association for the
3 purpose of administering the state of Iowa temporary high-risk
4 insurance pool program pursuant to a contract with the United
5 States department of health and human services, shall request
6 that the United States department of health and human services
7 amend the requirements of the contract between HIPIOWA-FED
8 and the department to allow HIPIOWA-FED to accept third-party
9 payment of premiums for an individual enrolled in the program.

10 Sec. 38. EFFECTIVE UPON ENACTMENT. The following
11 provision or provisions of this Act, being deemed of immediate
12 importance, take effect upon enactment:

- 13 1. The section of this Act enacting section 507C.17A.
- 14 2. The section of this Act amending section 514E.1.
- 15 3. The sections of this Act amending section 514E.2.

16 EXPLANATION

17 This bill relates to various matters under the purview of the
18 insurance division of the department of commerce.

19 DEPARTMENT OF PUBLIC HEALTH. Code section 135.22A(2)(g)
20 is stricken to remove the commissioner of insurance from the
21 membership of the advisory council on brain injuries.

22 UNIFORM SECURITIES ACT (BLUE SKY LAW). Code section
23 502.412(3) is amended to increase the amount of the
24 disciplinary penalty for registrants that the administrator
25 (commissioner of insurance or the commissioner's deputy) can
26 impose for a violation of the Code chapter from a maximum of
27 \$5,000 to \$10,000 for a single violation, and from \$500,000 to
28 \$1 million for more than one violation, or in such amount as
29 agreed to by the parties.

30 Code section 502.604(4) is amended to increase the amount
31 of a civil penalty the administrator can impose against a
32 person for engaging in an act, practice, or course of business
33 in violation of the Code chapter from a maximum of \$5,000 to
34 \$10,000 for a single violation, and from \$500,000 to \$1 million
35 for more than one violation, or in an amount agreed to by the



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1 parties.

2 New Code section 502.604(5A) provides that a person
3 who fails to obey a valid cease and desist order issued by
4 the administrator may be subject to a civil penalty in an
5 amount of not less than \$1,000 and not more than \$10,000 for
6 violating the order. Each day the failure to obey continues
7 constitutes a separate violation. The penalties provided in
8 this subsection are in addition to, and not exclusive of other
9 remedies that may be available.

10 INSURANCE DIVISION. Code section 505.8(10) is amended to
11 allow the commissioner to assess the costs of the examination
12 of a regulated entity necessary to accomplish compliance with
13 the insurance laws of this state.

14 DOMESTIC INSURANCE COMPANIES. New Code section 506.14
15 provides that any plan for the voluntary dissolution of a
16 domestic mutual insurance company licensed in this state shall
17 be presented for approval by the commissioner not less than 90
18 days prior to notice of the plan to the policyholders. The
19 commissioner must approve the plan if it complies with all
20 applicable laws and is fair and equitable to the company and to
21 its policyholders.

22 EXAMINATION OF INSURANCE COMPANIES. Code section
23 507.10(4)(a) is amended to allow the board of directors of
24 an insurance company to signal that each member has reviewed
25 an examination report with a notation in the board's meeting
26 minutes instead of by filing affidavits indicating that each
27 member has received a copy of the report.

28 Code section 507.14 is amended to allow the commissioner
29 to release confidential documents and other materials to the
30 international association of insurance supervisors and the bank
31 for international settlements provided that those entities
32 give written certification that the records will be kept
33 confidential.

34 INSURANCE TRADE PRACTICES. New Code section 507B.4(20)
35 makes it an unfair or deceptive act or practice in the business

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1 of insurance for an issuer of a Medicare supplement policy
2 to fail to terminate that coverage and refund any unearned
3 premiums, upon receiving written notice from the policyholder
4 that the policyholder desires to terminate the coverage and has
5 obtained Medicare Part C coverage. An issuer is not required
6 to refund premiums for any period of time in excess of five
7 years prior to the date of receiving such written notice.

8 INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION.
9 New Code section 507C.17A contains provisions that apply in
10 accordance with the federal Dodd-Frank Wall Street Reform and
11 Consumer Protection Act to a domestic insurer that is a covered
12 financial company, as that term is defined in federal law.

13 The bill provides that the commissioner of insurance may
14 file a petition in the state district court for an order of
15 rehabilitation or liquidation of such a domestic insurer upon
16 receiving notice from the secretary of the treasury of the
17 United States that the insurer acquiesces or consents to the
18 appointment of a receiver; upon an order of the United States
19 district court for the District of Columbia as to that insurer;
20 or when a petition of the secretary of the treasury of the
21 United States concerning the insurer is granted by operation
22 of law.

23 Notwithstanding any other provision of law to the contrary,
24 the state district court, after notice to the insurer, may
25 grant an order on such a petition within 24 hours after the
26 filing of the petition. If the district court does not make a
27 determination on the petition within 24 hours of its filing,
28 the order is deemed granted by operation of law upon expiration
29 of the 24-hour period.

30 At the time an order is deemed granted, the provisions of
31 Code chapter 507C are deemed to be in effect, the commissioner
32 is deemed to be affirmed as the receiver and to have all of
33 the applicable powers provided by Code chapter 507C, and the
34 state district court must expeditiously enter an order of
35 rehabilitation or liquidation. An order of rehabilitation or

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1 liquidation made pursuant to the provisions of the bill is not
2 subject to a stay or injunction pending appeal.

3 This provision is effective upon enactment.

4 INSURANCE FRAUD. Code section 507E.5(2) is amended to allow
5 the commissioner to share documents with local as well as
6 state, federal, and international law enforcement authorities
7 if the recipient agrees to maintain the confidentiality of
8 confidential and privileged documents that are shared.

9 LIFE INSURANCE COMPANIES AND ASSOCIATIONS. Code section
10 511.8(14) is amended to provide that a life insurance company
11 can include in its legal reserve as real property a controlling
12 membership, partnership, shareholder, or trust interest in any
13 entity created solely for the purpose of owning and operating a
14 leasehold of real estate, an undivided interest in a leasehold
15 of real estate, or an undivided interest in the fee title of
16 real estate. The entity must be expressly limited to that
17 purpose by its organizational documents.

18 Code section 511.8(19) is amended to provide that a life
19 insurance company can include in its legal reserve certain
20 foreign investments not in excess of 25, instead of 20,
21 percent of its legal reserve. Investments in obligations of a
22 foreign government rated AAA by Standard and Poor's division
23 of McGraw-Hill companies, inc., or Aaa by Moody's investors
24 services, inc., are eligible for inclusion in the legal reserve
25 up to 5, instead of 2, percent of the legal reserve.

26 Code section 511.8(23) is amended to provide that if
27 securities held in a life insurance company's legal reserve are
28 loaned, the collateral received for the loaned securities is
29 not eligible for inclusion in the legal reserve.

30 New Code section 511.40(5) provides that the gross amount of
31 premiums received by a life insurance company or association
32 for an employer-owned life insurance contract shall be
33 allocated to this state for purposes of calculating the state
34 premium tax if the contract is issued or delivered in this
35 state or the company or association is domiciled in this state.



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1 For purposes of the subsection, "employer-owned life insurance
2 contract" means a policy which provides coverage on a life for
3 which the employer has an insurable interest under this Code
4 section or the laws of another state and the policy is owned by
5 either the employer or a trust established by the employer for
6 the benefit of the employer or the employer's active or retired
7 employees.

8 NONPROFIT HEALTH SERVICE CORPORATIONS. Code section 514.4
9 is amended to provide that a person who is affiliated with a
10 hospital or other entity that does not have a provider contract
11 with a dental service corporation can serve as a subscriber
12 director of that corporation.

13 IOWA COMPREHENSIVE HEALTH INSURANCE ASSOCIATION. Code
14 section 514E.1 is amended to add a definition of "HIPIOWA-FED"
15 which is a limited liability company organized by the Iowa
16 comprehensive health insurance association (commonly known
17 as HIP-IOWA) for the purpose of administering the state of
18 Iowa temporary high-risk insurance pool program pursuant to a
19 contract with the United States department of health and human
20 services.

21 Code section 514E.2 is amended by striking the language
22 establishing the existing membership of the board of directors
23 of the association and instead specifying a board consisting of
24 seven voting members representing specified interests appointed
25 by the governor and confirmed by the senate, and seven
26 nonvoting members including the commissioner of insurance,
27 director of human services, and director of public health,
28 or their designees, and four members of the general assembly
29 appointed by legislative leadership. The new board members
30 must be appointed within 60 days after the effective date of
31 the bill.

32 Code section 514E.2 is amended to provide that if the
33 association delegates its powers and duties to a person,
34 that delegation shall be subject to review by the government
35 oversight standing committees of the general assembly and the

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1 person shall be subject to review and submit a report to those
2 committees which includes specified information within 60 days
3 after the effective date of the bill and annually thereafter.

4 Code section 514E.2 is amended to require the association
5 to accept third-party payment of premiums for an individual
6 enrolled in health insurance coverage from the association.
7 Also HIPIOWA-FED is required to request an amendment of its
8 contract with the United States department of health and human
9 services within 30 days after the bill is enacted to allow
10 HIPIOWA-FED to accept third-party payment of premiums for
11 individuals enrolled in that program.

12 Code section 514E.2 is amended to allow HIPIOWA-FED to
13 assess health insurance carriers in the state if the program
14 incurs losses and additional federal funding is not provided to
15 offset the losses.

16 Code section 514E.2 is also amended to specify that the
17 association and HIPIOWA-FED and any person to whom their powers
18 and duties are delegated, are considered governmental bodies
19 for purposes of Code chapter 21 (open meetings) and government
20 bodies for purposes of Code chapter 22 (open records) laws.

21 The provisions of the bill amending Code sections 514E.1 and
22 514E.2 are effective upon enactment.

23 EXTERNAL REVIEW OF HEALTH CARE COVERAGE DECISIONS. Code
24 section 514J.103 is amended to provide that procedures for
25 external review of health care coverage decisions apply to
26 coverage for dental care.

27 INSURANCE OTHER THAN LIFE. Code section 515.26 is amended to
28 eliminate a requirement that all of the directors of a mutual
29 company shall be policyholders.

30 Code section 515.69(1) is amended to require that a foreign
31 stock insurance company must possess the actual amount of
32 capital and surplus required of any company organized pursuant
33 to Code chapter 515, or if the insurer is a mutual company,
34 the actual amount of surplus required of any mutual company
35 organized pursuant to Code chapter 515. Currently, a foreign

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1 stock insurance company is required to have \$2.5 million of
 2 actual paid-up capital, and a surplus in cash or invested in
 3 securities authorized by law of not less than \$2.5 million.
 4 Code section 515.136 is amended to provide that an insurance
 5 company or association is liable for the actual value of the
 6 property insured at a date of a loss, unless that value exceeds
 7 the amount stated in the policy. Currently, the insurer
 8 issuing such a policy may show the actual value of the property
 9 at the date of issuance of the policy and any depreciation in
 10 the value of the property after a loss occurred but is still
 11 liable for the actual value of the property insured on the date
 12 of loss or the policy amount, whichever is less.
 13 WORKERS' COMPENSATION LIABILITY INSURANCE. Code section
 14 515A.7(1)(b)(5) is amended to remove a reference to a
 15 "scheduled rating plan", a term that is not defined in the Code
 16 chapter.
 17 COUNTY MUTUAL INSURANCE ASSOCIATIONS. Code section
 18 518.14(4)(f) is amended to allow county mutual insurance
 19 associations to invest in stocks that are issued or guaranteed
 20 by limited partnerships publicly traded on a nationally
 21 established stock exchange in the United States.
 22 STATE MUTUAL INSURANCE ASSOCIATIONS. Code section
 23 518A.12(4)(f) is amended to allow state mutual insurance
 24 associations to invest in stocks that are issued or guaranteed
 25 by limited partnerships publicly traded on a nationally
 26 established stock exchange in the United States.
 27 RISK-BASED CAPITAL REQUIREMENTS FOR INSURERS. Code section
 28 521E.1(4) is amended to provide that for purposes of the Code
 29 chapter, a fraternal benefit society organized under Code
 30 chapter 512B is a domestic insurer. Code section 521E.1(4)(b),
 31 which excepted a fraternal benefit society from inclusion as
 32 a domestic insurer, is stricken. Corresponding changes to
 33 include such a society are made in Code section 521E.1(6) and
 34 (7).
 35 Code section 521E.3(1)(a)(2) is amended to provide that for

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1 a life and health insurer, a company-action-level event means
2 the insurer's total adjusted capital is greater than or equal
3 to its company-action-level risk-based capital but less than
4 the product of its authorized-control-level risk-based capital
5 and three, instead of two and one-half, and has a negative
6 trend.

7 LICENSING OF PUBLIC ADJUSTERS. Code section 522C.6 is
8 amended to add provisions allowing the commissioner of
9 insurance to hold hearings, issue cease and desist orders,
10 assess civil penalties, and petition for enforcement of those
11 orders by the district court against persons who violate
12 the provisions of Code chapter 522C. The district court is
13 authorized to adjudge a violator in civil contempt of an order
14 and to impose a civil penalty for contempt of not less than
15 \$3,000 but not more than \$10,000 for each violation and grant
16 any other relief the court determines is just and proper under
17 the circumstances.

18 DISSOLUTION OF MARRIAGE AND DOMESTIC RELATIONS. Code
19 section 598.20A is amended to provide that it is the policy
20 owner of an insurance contract insuring the policy owner's own
21 life, not the insured, who designates the beneficiary of the
22 policy and is authorized to make changes in that designation
23 after a decree of dissolution of marriage, annulment, or
24 separate maintenance.



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Senate File 2294 - Introduced

SENATE FILE 2294
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3064)

A BILL FOR

1 An Act relating to the authorized activities of auctioneers in
2 conducting a public sale or auction of real estate.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5648SV (2) 84
rn/nh



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S.F. 2294

1 Section 1. Section 543B.7, subsection 5, Code 2011, is
2 amended to read as follows:

3 5. The acts of an auctioneer who is not a licensee under
4 this chapter in conducting a public sale or auction, as
5 provided in this subsection.

6 a. The auctioneer's role must be limited to establishing the
7 time, place, and method of an auction; advertising the auction
8 including a brief description of the property for auction and
9 the time and place for the auction; and crying the property at
10 the auction.

11 (1) The auctioneer shall provide in any advertising the
12 name and address of the real estate broker who is providing
13 brokerage services for the transaction and the name of the real
14 estate broker or attorney who is responsible for closing the
15 sale of the property.

16 (2) The real estate broker providing brokerage services
17 shall be present at the time of the auction and, if found to
18 be in violation of this ~~subsection~~ subparagraph (2), shall
19 be subject to a civil penalty of two thousand five hundred
20 dollars.

21 (3) If the auctioneer closes or attempts to close the
22 sale of the property, or otherwise engages in acts defined
23 in sections 543B.3, ~~and~~ 543B.6, or paragraph "b" of this
24 subsection, then the requirements of this chapter do apply to
25 the auctioneer.

26 b. An auctioneer who is not a licensee is expressly
27 prohibited from engaging in the following acts:

28 (1) Contacting the public regarding real property beyond
29 that which is permitted under this subsection, with the purpose
30 of securing or facilitating the sale of such real property.

31 (2) Independently showing property or hosting open houses.

32 (3) Making material and substantive representations
33 regarding title, financing, or closings.

34 (4) Discussing or explaining a contract, lease, agreement,
35 or other real estate document with a prospective buyer or



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1 tenant of the real property, with the purpose of securing or
 2 facilitating the sale of such real property.

3 (5) Collecting or holding deposit moneys, rent, other
 4 moneys, or anything of value received from the owner of real
 5 property or from a prospective buyer or tenant, other than
 6 fees, commissions, or other consideration paid in exchange
 7 for conducting the auction or other acts permitted in this
 8 subsection, with the purpose of securing or facilitating the
 9 sale of real property.

10 (6) Providing owners of real property or prospective buyers
 11 or tenants with advice, recommendations, or suggestions as
 12 to the sale, purchase, exchange, rental, or lease of real
 13 property, except as to acts permitted for auctioneers under
 14 this subsection.

15 (7) Falsely representing in any manner, orally or in
 16 writing, that the auctioneer is a licensee under this chapter.

17 c. If an investigation pursuant to this chapter reveals
 18 that an auctioneer has violated this subsection or has assumed
 19 to act in the capacity of a real estate broker or real estate
 20 salesperson, the real estate commission may issue a cease and
 21 desist order, and shall issue a warning letter notifying the
 22 auctioneer of the violation for the first offense, and impose
 23 a penalty of up to the greater of ten thousand dollars or ten
 24 percent of the real estate sales price for each subsequent
 25 violation.

EXPLANATION

27 This bill relates to the authorized activities of
 28 auctioneers in conducting a public sale or auction of real
 29 estate.

30 The bill modifies the provisions of Code section 543B.7,
 31 subsection 5, which excludes the activities of an auctioneer
 32 from the licensing provisions governing real estate brokers
 33 and salespersons in Code chapter 543B under specified
 34 circumstances. The bill clarifies that the exclusion applies
 35 to the activities of an auctioneer who is not a licensee under



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1 the Code chapter.

2 The bill provides a list of prohibited acts which, if
3 performed by an auctioneer, will subject the auctioneer
4 to the licensing provisions. They include contacting the
5 public regarding real property beyond that authorized in
6 the subsection with the purpose of securing or facilitating
7 the sale of real property; independently showing property
8 or hosting open houses; making material and substantive
9 representations regarding title, financing, or closings;
10 discussing or explaining a contract, lease, agreement, or other
11 real estate document with a prospective buyer or tenant of real
12 property, with the purpose of securing or facilitating the sale
13 of the real property; collecting or holding deposit moneys,
14 rent, other moneys, or anything of value received from the
15 owner of real property or from a prospective buyer or tenant,
16 other than fees, commissions, or other consideration paid in
17 exchange for conducting the auction or other permitted acts
18 with the purpose of securing or facilitating the sale of real
19 property; providing owners of real property or prospective
20 buyers or tenants with advice, recommendations, or suggestions
21 as to the sale, purchase, exchange, rental, or leasing of real
22 property, except as to acts permitted for auctioneers under the
23 subsection; and falsely representing in any manner, orally or
24 in writing, that the auctioneer is a licensee under the Code
25 chapter.

26 A violation of the bill's provisions is a simple
27 misdemeanor. A simple misdemeanor is punishable by confinement
28 for no more than 30 days or a fine of at least \$65 but not more
29 than \$625 or by both.



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Senate File 2295 - Introduced

SENATE FILE 2295
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2229)

A BILL FOR

1 An Act modifying the periods of time to bring civil and
2 criminal actions relating to the sexual abuse of minors.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5473SV (1) 84
jm/rj



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1 Section 1. Section 614.8, subsection 2, Code 2011, is
2 amended to read as follows:

3 2. Except as provided in section 614.1, subsection 9, or
4 section 614.8A, the times limited for actions in this chapter,
5 or chapter 216, 669, or 670, except those brought for penalties
6 and forfeitures, are extended in favor of minors, so that they
7 shall have one year from and after attainment of majority
8 within which to file a complaint pursuant to chapter 216, to
9 make a claim pursuant to chapter 669, or to otherwise commence
10 an action.

11 Sec. 2. Section 614.8A, Code 2011, is amended to read as
12 follows:

13 **614.8A Damages Commencement of action for minor or child**
14 **sexual abuse — time limitation.**

15 1. Notwithstanding section 614.8, subsection 2, and the
16 times limited for actions in this chapter, the time to file an
17 action relating to sexual abuse which occurred when the injured
18 person was a minor, is extended ten years beyond the minor's
19 attainment of eighteen years of age.

20 2. ~~An~~ In addition to the extension of time provided in
21 subsection 1, an action for damages for injury suffered as a
22 result of sexual abuse which occurred when the injured person
23 was a child, but not discovered until after the injured person
24 is of the age of majority, shall be brought within ~~four~~ ten
25 years from the time of discovery by the injured party of both
26 the injury and the causal relationship between the injury and
27 the sexual abuse.

28 Sec. 3. Section 802.2, subsection 1, Code 2011, is amended
29 to read as follows:

30 1. An information or indictment for sexual abuse in the
31 first, second, or third degree committed on or with a person
32 who is under the age of eighteen years shall be found within
33 ~~ten~~ twenty years after the person upon whom the offense is
34 committed attains eighteen years of age, or if the person
35 against whom the information or indictment is sought is



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1 identified through the use of a DNA profile, an information or
 2 indictment shall be found within three years from the date the
 3 person is identified by the person's DNA profile, whichever is
 4 later.

5 EXPLANATION

6 This bill modifies the periods of time to bring civil and
 7 criminal actions relating to the sexual abuse of minors.

8 Under the bill, the time for filing a civil action relating
 9 to sexual abuse which occurred when the injured person was
 10 a minor is extended from one year after the attainment of
 11 majority to 10 years after the attainment of majority.

12 The bill also provides that a civil action for damages
 13 relating to sexual abuse which occurred when the injured party
 14 was a child under 14 years of age, shall be brought within 10
 15 years from the time of the discovery of both the injury and the
 16 causal relationship between the injury and the sexual abuse.
 17 Current law specifies such an action shall be brought within
 18 four years of the time of discovery of both the injury and the
 19 causal relationship between the injury and the sexual abuse.

20 The bill also specifies that a criminal information
 21 or indictment for sexual abuse in the first, second, or
 22 third degree committed on or with a person under the age of
 23 18 shall be found within 20 years of the sexually abused
 24 person attaining 18 years of age. Current law specifies the
 25 indictment or information for such sexual abuse be found within
 26 10 years of the sexually abused person attaining 18 years of
 27 age.



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Senate File 2296 - Introduced

SENATE FILE 2296
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3154)

A BILL FOR

1 An Act relating to the criminal offense of solicitation to
2 commit murder and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5230SV (1) 84
jm/rj



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S.F. 2296

1 Section 1. NEW SECTION. 707.3A Solicitation to commit
2 murder.

3 1. A person who commands, entreats, or otherwise attempts to
4 persuade another to commit murder as defined in section 707.1,
5 with the intent that such act be done and under circumstances
6 which corroborate that intent by clear and convincing evidence,
7 solicits another to commit that murder.

8 2. Renunciation, as provided for in section 705.2, is a
9 defense to a prosecution for solicitation under this section.

10 3. A person who solicits another to commit murder commits a
11 class "C" felony.

12 EXPLANATION

13 This bill creates a criminal offense relating to the
14 solicitation to commit murder.

15 Under the bill, a person who commands, entreats, or
16 otherwise attempts to persuade another to commit murder as
17 defined in Code section 707.1, with the intent that such act be
18 done and under circumstances which corroborate that intent by
19 clear and convincing evidence, solicits another to commit that
20 murder.

21 The bill provides that a person who commits solicitation to
22 commit murder commits a class "C" felony. A class "C" felony
23 is punishable by confinement for no more than 10 years and a
24 fine of at least \$1,000 but not more than \$10,000.

25 A general solicitation criminal offense is found in Code
26 section 705.1.

27 Code section 705.2 establishes renunciation as a defense to
28 solicitation.



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Senate File 2297 - Introduced

SENATE FILE 2297
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3177)

A BILL FOR

1 An Act establishing the criminal offense of sexual abuse in the
2 fourth degree, making related changes to sexual abuse in the
3 third degree, providing penalties, and including retroactive
4 and other applicability provisions.

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

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1 Section 1. Section 692A.102, subsection 1, paragraph a,
 2 Code Supplement 2011, is amended by adding the following new
 3 subparagraph:

4 NEW SUBPARAGRAPH. (05) Sexual abuse in the fourth degree
 5 in violation of section 709.4A.

6 Sec. 2. Section 692A.121, subsection 2, paragraph b,
 7 subparagraph (2), Code 2011, is amended by adding the following
 8 new subparagraph division:

9 NEW SUBPARAGRAPH DIVISION. (0b) The relevant information
 10 about a sex offender whose sole reason for being on the sex
 11 offender registry is for a conviction under section 709.4A.

12 Sec. 3. Section 709.4, subsection 2, paragraph c,
 13 subparagraph (4), Code 2011, is amended to read as follows:

14 (4) The Except as provided in section 709.4A, the person is
 15 four or more years older than the other person.

16 Sec. 4. NEW SECTION. 709.4A Sexual abuse in the fourth
 17 **degree.**

18 1. A person commits sexual abuse in the fourth degree when
 19 the person performs a sex act with another person and either
 20 of the following apply:

21 a. The other person is fourteen years of age and the person
 22 is four, five, or six years older than the other person.

23 b. The other person is fifteen years of age and the person
 24 is four or five years older than the other person.

25 2. Notwithstanding section 903B.2, a person convicted under
 26 this section is not subject to the special sentence.

27 3. A person who violates this section commits an aggravated
 28 misdemeanor.

29 Sec. 5. **SPECIAL SENTENCE — JUDGMENT VOID.**

30 1. Notwithstanding section 903B.2, a person convicted of
 31 a violation of section 709.4, subsection 2, paragraph "c",
 32 subparagraph (4), prior to, on, or after the effective date of
 33 this Act shall not be subject to the special sentence if either
 34 of the following applied when the offense was committed:

35 a. The victim was fourteen years of age and the person was



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1 four, five, or six years older than the victim.

2 b. The victim was fifteen years of age and the person was
 3 four or five years older than the victim.

4 2. The department of corrections in consultation with the
 5 department of public safety shall identify persons whose sole
 6 reason for being on probation, parole, or committed to the
 7 custody of the director of the department of corrections is for
 8 a conviction of sexual abuse in the third degree under section
 9 709.4, subsection 2, paragraph "c", subparagraph (4), that
 10 occurred prior to, on, or after the effective date of this Act,
 11 and who meet the criteria established in subsection 1.

12 3. If the department of corrections and the department of
 13 public safety identify such a person pursuant to subsection
 14 2, the department of corrections shall notify the board of
 15 parole that the portion of the judgment requiring the service
 16 of a special sentence is void and the person shall not be
 17 subject to the special sentence under section 903B.2. If the
 18 person identified pursuant to subsection 2 has begun serving
 19 the special sentence, the term of the special sentence shall
 20 terminate immediately after being notified by the department of
 21 corrections that the portion of the judgment requiring service
 22 of a special sentence is void.

23 4. The department of public safety shall also remove the
 24 relevant information of such a person identified pursuant to
 25 subsection 2 from the sex offender registry internet site if
 26 the conviction for the offense identified in subsection 1 is
 27 the sole reason for being on the registry. Upon removal of the
 28 relevant information from the sex offender registry internet
 29 site, the relevant information of the person shall no longer
 30 be displayed on the sex offender registry internet site unless
 31 the person is convicted of another offense that requires
 32 registration.

33 **EXPLANATION**

34 This bill establishes the criminal offense of sexual abuse
 35 in the fourth degree, makes related changes to sexual abuse in

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1 the third degree, provides penalties, and includes retroactive
2 and other applicability provisions.

3 SEX ABUSE IN THE FOURTH DEGREE. Under the bill, a person
4 commits sexual abuse in the fourth degree if the person commits
5 a sex act with another person and any of the following apply:
6 the other person is 14 years of age and the person is four,
7 five, or six years older than the other person; or the other
8 person is 15 years of age and the person is four or five years
9 older than the other person.

10 The bill specifies that a person who commits sexual abuse in
11 the fourth degree is guilty of an aggravated misdemeanor and is
12 not subject to a special sentence under Code section 903B.2.

13 The bill also specifies that a person who commits sexual
14 abuse in the fourth degree shall register as a tier I sex
15 offender who is required to verify the person's relevant
16 information to the county sheriff of residence on an annual
17 basis for 10 years. The bill further specifies that if
18 the sole reason the person is required to register as a sex
19 offender is for a conviction of sexual abuse in the fourth
20 degree, the person's name and other relevant information shall
21 not be displayed on the sex offender registry internet site.

22 SEX ABUSE IN THE THIRD DEGREE. The bill specifies that
23 a person convicted of sexual abuse in the third degree in
24 violation of Code section 709.4(2)(c)(4) (statutory rape due to
25 age differences of the offending person and the victim) prior
26 to, on, or after the effective date of the bill shall not be
27 subject to the special sentence under Code section 903B.2 if
28 either of the following applied when the offense was committed:
29 the victim was 14 years of age and the person was four, five,
30 or six years older than the victim; or the victim was 15 years
31 of age and the person was four or five years older than the
32 victim.

33 For a person convicted of sexual abuse in the third degree in
34 violation of Code section 709.4(2)(c)(4) prior to, on, or after
35 the effective date of the bill where a judgment for a special

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1 sentence has already been entered as part of the judgment, the
2 bill voids the portion of the judgment imposing the special
3 sentence.

4 Under the bill, the department of corrections in
5 consultation with the department of public safety shall
6 identify persons whose sole reason for being on probation,
7 parole, or committed to the custody of the director of the
8 department of corrections is for a conviction of sexual
9 abuse in the third degree under Code section 709.4(2)(c)(4),
10 and who meet the age differential criteria with the victim
11 established in the bill. If the department of corrections
12 and the department of public safety identify such a person
13 under the bill, the department of corrections shall notify the
14 board of parole that the portion of the judgment requiring the
15 service of a special sentence is void and the person shall
16 not be subject to the special sentence under Code section
17 903B.2. If such a person has begun serving the special
18 sentence, the bill requires the term of the special sentence to
19 terminate immediately after being notified by the department of
20 corrections that the portion of the judgment requiring service
21 of a special sentence is void.

22 The bill also requires the department of public safety
23 to remove the relevant information of a person from the sex
24 offender registry internet site if the person was convicted
25 of sexual abuse in the third degree under Code section
26 709.4(2)(c)(4), and the person meets the age differential
27 criteria with the victim established in the bill and the
28 conviction is the sole reason the person is on the sex offender
29 registry. Upon removal of the relevant information from the
30 sex offender registry internet site, the bill specifies that
31 the relevant information of the person shall no longer be
32 displayed on the sex offender registry internet site unless
33 the person is convicted of another offense that requires
34 registration.

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Senate File 2298 - Introduced

SENATE FILE 2298
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3078)

A BILL FOR

1 An Act relating to direct care professionals including the
2 establishment of a board of direct care professionals,
3 providing for implementation, making penalties applicable,
4 and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. **NEW SECTION. 152F.1 Definitions.**
2 As used in this chapter, unless the context otherwise
3 requires:
4 1. "*Board*" means the board of direct care professionals
5 created under chapter 147.
6 2. "*Community living professional*" means a direct care
7 associate who has completed advanced training and is certified
8 to provide home and community living, instrumental activities
9 of daily living, and personal support services.
10 3. "*Direct care associate*" means an individual who has
11 completed core training and is certified to provide direct care
12 services in the state.
13 4. "*Direct care instructor*" means an individual approved
14 by the board to provide direct care instruction to direct care
15 professionals.
16 5. "*Direct care professional*" means an individual who
17 provides direct care services for compensation and is a direct
18 care associate, a community living professional, a health
19 support professional, or a personal support professional.
20 6. "*Direct care services*" means the services provided to
21 individuals who are ill or individuals with disabilities as
22 specified in the individual's service plan or in documented
23 goals, including but not limited to home and community living
24 services, instrumental activities of daily living services,
25 personal activities of daily living services, personal support
26 services, and health monitoring and maintenance services.
27 7. "*Direct care trainer*" means a direct care instructor who
28 is approved by the board to train instructors.
29 8. "*Health monitoring and maintenance services*" means
30 medically-oriented services that assist an individual in
31 maintaining the individual's health including measuring intake
32 and output; providing catheter and ostomy care; collecting
33 specimens; checking vital signs, including temperature, pulse,
34 respiration, and blood pressure; measuring height and weight;
35 performing range of motion exercises; providing assistance with

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1 urinary care; and application of thrombo embolic deterrent hose
2 or hot and cold packs.

3 9. *"Health support professional"* means a direct care
4 associate who has completed advanced training and is certified
5 to provide personal activities of daily living and health
6 monitoring and maintenance services.

7 10. *"Home and community living services"* means services to
8 enhance or maintain independence of individuals including such
9 activities as helping individuals develop and meet personal
10 goals, providing direct physical and emotional support and
11 assistance for persons with disabilities, utilizing crisis
12 intervention and positive behavior supports, and using and
13 following individual support plans.

14 11. *"Instrumental activities of daily living services"* means
15 services provided to assist individuals with daily living tasks
16 to allow them to function independently in a home or community
17 setting, including but not limited to assistance with managing
18 money, transportation, light housekeeping, and shopping and
19 cooking.

20 12. *"Personal activities of daily living services"* means
21 services to assist individuals in meeting basic needs,
22 including but not limited to bathing, back rubs, and skin care;
23 grooming activities; assistance with dressing and undressing;
24 assistance with eating and feeding; assistance with toileting;
25 and assistance with mobility, including transfers, walking, and
26 turning in bed.

27 13. *"Personal support professional"* means a direct care
28 associate who has completed advanced training and is certified
29 to provide instrumental activities of daily living, personal
30 activities of daily living, and personal support services.

31 14. *"Personal support services"* means support services
32 provided to an individual as the individual performs personal
33 activities of daily living including but not limited to
34 coaching and prompting, and teaching skills and behaviors.

35 15. *"Service plan"* means a written, consumer-centered,

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1 outcome-based plan of services.

2 16. *“Specialty endorsement”* means an advanced level of
 3 certification based on requirements developed by experts in a
 4 particular discipline or professional area and approved by the
 5 board.

6 **Sec. 2. NEW SECTION. 152F.2 Certification required —**
 7 **exceptions — use of title.**

8 1. Unless otherwise exempt under section 152F.4, beginning
 9 January 1, 2014, an individual shall not provide direct care
 10 services in this state without being certified as a direct care
 11 associate.

12 2. An individual who is not certified pursuant to this
 13 chapter shall not use words or titles which imply or represent
 14 that the person is certified as a direct care professional
 15 under this chapter.

16 3. A direct care associate shall not act as or represent
 17 that the person is a direct care professional with advanced
 18 training certification or a specialty endorsement, unless the
 19 direct care associate is first certified at the appropriate
 20 level of certification under this chapter.

21 4. Notwithstanding any provision to the contrary, a person
 22 who completes advanced training or meets the requirements for
 23 a specialty endorsement is not required to be certified at
 24 that level if the person does not act as or represent that the
 25 person is certified at that level. Section 147.83 does not
 26 apply to a direct care associate who is not certified as a
 27 direct care professional with advanced training certification
 28 or a specialty endorsement if the direct care associate does
 29 not act as or represent that the person is certified at that
 30 level.

31 **Sec. 3. NEW SECTION. 152F.3 Requirements to obtain**
 32 **certification — renewal — continuing education — reciprocity.**

33 1. An applicant for certification as a direct care associate
 34 shall present evidence satisfactory to the board that the
 35 applicant meets all of the following requirements:



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1 *a.* The applicant has successfully completed the required
2 education for the certification from a board-approved direct
3 care instructor or direct care trainer.

4 *b.* The applicant has paid all fees required by the board.

5 *c.* The applicant certifies that the applicant will conduct
6 all professional activities in accordance with standards for
7 professional conduct established by the board.

8 2. An applicant for certification as a direct care
9 professional with advanced training or a specialty endorsement
10 shall present evidence satisfactory to the board that the
11 applicant meets all of the following requirements:

12 *a.* The applicant has successfully completed the required
13 education for the certification from a board-approved direct
14 care instructor or direct care trainer.

15 *b.* The applicant has paid all fees required by the board.

16 *c.* The applicant has passed a state examination approved by
17 the board.

18 *d.* The applicant certifies that the applicant will conduct
19 all professional activities in accordance with standards for
20 professional conduct established by the board.

21 3. A person shall renew the person's certification
22 biennially. Prior to such renewal, the person shall present
23 evidence that the person has satisfied continuing education
24 requirements and shall pay a renewal fee as determined by the
25 board.

26 4. The board shall issue the appropriate certification to an
27 applicant who demonstrates experience in direct care services
28 in another state and meets the requirements established by the
29 board for the specific certification.

30 Sec. 4. NEW SECTION. 152F.4 **Scope of chapter.**

31 1. The provisions of this chapter do not apply to any of the
32 following:

33 *a.* An individual who is providing direct care services
34 and is governed by a collective bargaining agreement in place
35 before July 1, 2017, until the expiration of such agreement.



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1 *b.* An individual providing direct care services to a family
2 member.

3 *c.* An individual otherwise licensed who is operating within
4 the scope of that license and who does not represent to the
5 public that the individual is a direct care professional.

6 2. This chapter shall not be interpreted to preclude
7 an individual who provides direct care services but is not
8 otherwise required to be certified under this chapter from
9 being certified under this chapter on a voluntary basis.

10 Sec. 5. NEW SECTION. 152F.5 **Duties of the board.**

11 The board shall do all of the following:

12 1. Adopt rules consistent with this chapter, chapter 147,
13 chapter 272, and the recommendations of the direct care worker
14 advisory council established pursuant to 2008 Iowa Acts,
15 chapter 69, which are necessary for the performance of its
16 duties.

17 2. Adopt rules to provide a transition process that allows
18 individuals providing direct care services on or before July
19 1, 2014, who are subject to the certification requirements
20 of this chapter, to continue providing direct care services
21 while completing certification under this chapter. An
22 individual subject to the transition process shall complete the
23 requirements for direct care associate certification within a
24 time frame determined by rule of the board.

25 3. Establish standards and guidelines for certification
26 reciprocity.

27 4. Establish standards and guidelines for direct care
28 professionals, including minimum curriculum requirements.

29 5. Prepare and conduct, or prescribe, an examination for
30 applicants for certification.

31 6. Establish standards and guidelines for direct care
32 instructors and direct care trainers, including minimum
33 curriculum requirements and continuing education requirements.
34 Training and continuing education guidelines shall provide
35 diverse options for completion of the training and continuing

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1 education, as appropriate, including but not limited to online,
2 employer-based, or educational institution-based opportunities.

3 7. Define educational activities which fulfill continuing
4 education requirements for renewal of certification.

5 8. Establish guidelines for inactive certification status
6 and inactive certification reentry.

7 Sec. 6. NEW SECTION. 152F.6 **Certification suspension and**
8 **revocation.**

9 A certification issued by the board under this chapter may be
10 suspended or revoked, or renewal of certification may be denied
11 by the board, for violation of any provision of this chapter,
12 section 147.55 or 272C.10, or rules adopted by the board.

13 Sec. 7. Section 147.1, subsections 3 and 6, Code 2011, are
14 amended to read as follows:

15 3. *“Licensed” or “certified”*, when applied to a physician
16 and surgeon, podiatric physician, osteopathic physician and
17 surgeon, physician assistant, psychologist, chiropractor,
18 nurse, dentist, dental hygienist, dental assistant,
19 optometrist, speech pathologist, audiologist, pharmacist,
20 physical therapist, physical therapist assistant, occupational
21 therapist, occupational therapy assistant, respiratory care
22 practitioner, practitioner of cosmetology arts and sciences,
23 practitioner of barbering, funeral director, dietitian, marital
24 and family therapist, mental health counselor, social worker,
25 massage therapist, athletic trainer, acupuncturist, nursing
26 home administrator, hearing aid dispenser, ~~or~~ sign language
27 interpreter or transliterator, or direct care professional
28 means a person licensed under this subtitle.

29 6. *“Profession”* means medicine and surgery, podiatry,
30 osteopathic medicine and surgery, practice as a physician
31 assistant, psychology, chiropractic, nursing, dentistry,
32 dental hygiene, dental assisting, optometry, speech pathology,
33 audiology, pharmacy, physical therapy, physical therapist
34 assisting, occupational therapy, occupational therapy
35 assisting, respiratory care, cosmetology arts and sciences,



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1 barbering, mortuary science, marital and family therapy, mental
 2 health counseling, social work, dietetics, massage therapy,
 3 athletic training, acupuncture, nursing home administration,
 4 hearing aid dispensing, ~~or~~ sign language interpreting or
 5 transliterating, or practice as a direct care professional.

6 Sec. 8. Section 147.2, subsection 1, Code 2011, is amended
 7 to read as follows:

8 1. A person shall not engage in the practice of medicine
 9 and surgery, podiatry, osteopathic medicine and surgery,
 10 psychology, chiropractic, physical therapy, physical therapist
 11 assisting, nursing, dentistry, dental hygiene, dental
 12 assisting, optometry, speech pathology, audiology, occupational
 13 therapy, occupational therapy assisting, respiratory care,
 14 pharmacy, cosmetology arts and sciences, barbering, social
 15 work, dietetics, marital and family therapy or mental health
 16 counseling, massage therapy, mortuary science, athletic
 17 training, acupuncture, nursing home administration, hearing aid
 18 dispensing, or sign language interpreting or transliterating,
 19 or shall not practice as a physician assistant or as a direct
 20 care professional, unless the person has obtained a license for
 21 that purpose from the board for the profession.

22 Sec. 9. Section 147.13, Code 2011, is amended by adding the
 23 following new subsection:

24 NEW SUBSECTION. 24. For direct care professionals, the
 25 board of direct care professionals.

26 Sec. 10. Section 147.14, subsection 1, Code 2011, is amended
 27 by adding the following new paragraph:

28 NEW PARAGRAPH. x. For the board of direct care
 29 professionals, a total of nine members, five of whom are
 30 direct care professionals who represent diverse settings and
 31 populations served, two members of the public, one registered
 32 nurse who serves as a direct care instructor, and one human
 33 services professional who serves as a direct care instructor.

34 Sec. 11. Section 147.74, Code 2011, is amended by adding the
 35 following new subsection:



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1 NEW SUBSECTION. 24. A direct care professional certified
2 under chapter 152F and this chapter may use the following:

3 *a.* A direct care professional certified as a direct care
4 associate may use the title "direct care associate" or D.C.A.
5 after the person's name.

6 *b.* A direct care professional certified as a community
7 living professional may use the title "community living
8 professional" or the letters C.L.P. after the person's name.

9 *c.* A direct care professional certified as a personal
10 support professional may use the title "personal support
11 professional" or the letters P.S.P. after the person's name.

12 *d.* A direct care professional certified as a health support
13 professional may use the title "health support professional" or
14 the letters H.S.P. after the person's name.

15 *e.* A direct care professional certified with a specialty
16 endorsement may use the title or letters determined by the
17 specialty endorsement entity and approved by the board of
18 direct care professionals.

19 Sec. 12. Section 272C.1, subsection 6, Code 2011, is amended
20 by adding the following new paragraph:

21 NEW PARAGRAPH. *ag.* The board of direct care professionals,
22 created pursuant to chapter 147.

23 Sec. 13. TRANSITION PROVISIONS.

24 1. An individual providing direct care services on or
25 before January 1, 2014, who is subject to the certification
26 requirements of this Act, may continue providing direct care
27 services while completing certification as required under this
28 Act. The board of direct care professionals shall adopt rules
29 to provide a transition process that allows such individuals
30 to complete the requirements for direct care associate
31 certification within the time frame determined by rule of the
32 board.

33 2. Notwithstanding sections 147.14 and 147.16, for the
34 initial board of direct care professionals, the governor may
35 appoint, subject to confirmation by the senate, in lieu of the



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1 five members required to be direct care professionals and the
 2 two members required to be direct care instructors, members
 3 with experience and expertise that is substantially equivalent
 4 to the professional requirements for a direct care professional
 5 or direct care instructor, as applicable.

6 Sec. 14. IMPLEMENTATION. The provisions of this Act shall
 7 be implemented as follows:

8 1. The sections of this Act relating to the board of direct
 9 care professionals including sections 152F.1 and 152F.5, as
 10 enacted in this Act; sections 147.13, 147.14, and 272C.1,
 11 as amended in this Act, and as specified in the transition
 12 provisions; and the section of this Act providing transition
 13 provisions relating to the board shall be implemented so that a
 14 board of direct care professionals is appointed no later than
 15 December 15, 2012.

16 2. The sections of this Act relating to requirements for
 17 certification of direct care professionals including sections
 18 152F.2, 152F.3, 152F.4, and 152F.6, as enacted in this Act;
 19 and sections 147.1, 147.2, and 147.74, as amended in this Act,
 20 shall be implemented so that the requirements are applicable
 21 beginning no later than January 1, 2014.

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

24 EXPLANATION

25 This bill provides for the certification of direct care
 26 professionals under new Code chapter 152F. The bill provides
 27 definitions relating to levels of certification and services
 28 provided, and defines the "board" as the board of direct care
 29 professionals.

30 The bill requires an individual who provides direct care
 31 services for compensation to be certified as a direct care
 32 associate, a community living professional, a health support
 33 professional, or a personal support professional.

34 The bill provides requirements for certification, renewal
 35 of certification, continuing education, and reciprocity



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1 of certification. The bill provides for exemptions
2 from certification and for suspension or revocation of
3 certification. The bill specifies the duties of the board of
4 direct care professionals.

5 The bill makes conforming changes in the Code under
6 Code chapter 147 (general provisions for health-related
7 professions), and Code chapter 272C (regulation of licensed
8 professions and occupations).

9 The bill provides transition provisions for the initial
10 appointment of the board and for application of requirements to
11 individuals who are subject to the certification requirements
12 of the bill and who are providing direct care services prior
13 to implementation of direct care professional requirements on
14 January 1, 2014. The bill takes effect upon enactment, but
15 provides for phased-in implementation.

16 The provisions of Code chapters 147 and 272C, including
17 a provision in Code section 147.86 that a violation of Code
18 chapter 147 or 152F is a serious misdemeanor, are applicable to
19 new Code chapter 152F.



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Senate File 2299 - Introduced

SENATE FILE 2299
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3176)

A BILL FOR

- 1 An Act relating to government operations and efficiency
- 2 and other related matters and including effective date
- 3 provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 2. In complying with the requirements of subsection 1, the
2 department of management shall, by July 31, 2012, do all of the
3 following:

4 a. Ensure that a five-member review board as described in
5 section 8A.402, subsection 2, paragraph "g", is established.

6 b. Submit a report to the general assembly documenting, for
7 all applicable executive branch agencies, whether the executive
8 branch agency has met the target aggregate ratio as provided in
9 section 8A.402, subsection 2, paragraph "g", has been granted
10 an exception to the policy through the executive council, or
11 has been granted a waiver by the five-member review board.

12 3. Notwithstanding any provision of law to the contrary,
13 any appropriation from the general fund of the state to the
14 department of management for the fiscal year beginning July 1,
15 2012, and ending June 30, 2013, shall be reduced by ten percent
16 if the department of management fails to comply with all of the
17 requirements of subsection 2.

18 Sec. 4. EFFECTIVE UPON ENACTMENT. This division of this
19 Act, being deemed of immediate importance, takes effect upon
20 enactment.

DIVISION III

HEALTH INSURANCE TASK FORCE

23 Sec. 5. STATE EMPLOYEE HEALTH INSURANCE TASK FORCE.

24 1. A state employee health insurance task force is created
25 under the authority of the legislative council. Members of
26 the task force shall be appointed by the legislative council
27 and shall include but not be limited to members of the
28 general assembly; representatives of employee organizations
29 representing state employees; representatives of employers of
30 state employees, including the judicial branch; representatives
31 involved in administering employee health benefits from the
32 department of administrative services; and representatives from
33 insurers providing group health insurance to state employees.

34 2. The task force shall examine all aspects of providing
35 health care coverage to state employees and their families

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1 with the goal of providing quality health care coverage at an
2 affordable cost. The task force shall examine strategies for
3 reducing the cost of health care coverage, including but not
4 limited to wellness and other comparable programs.

5 3. The task force shall submit a report, including its
6 findings and recommendations, to the general assembly by
7 December 31, 2012.

8 DIVISION IV

9 MEDICATION THERAPY MANAGEMENT

10 Sec. 6. NEW SECTION. **8A.441 Medication therapy management.**

11 1. As used in this section, unless the context otherwise
12 requires:

13 *a. "Eligible employee"* means an employee of the state, with
14 the exception of an employee of the state board of regents or
15 institutions under the state board of regents, for whom group
16 health plans are established pursuant to chapter 509A providing
17 for third-party payment or prepayment for health or medical
18 expenses.

19 *b. "Medication therapy management"* means a systematic
20 process performed by a licensed pharmacist, designed to improve
21 quality outcomes for patients and lower health care costs,
22 including emergency room, hospital, provider, and other costs,
23 by optimizing appropriate medication use linked directly to
24 achievement of the clinical goals of therapy. Medication
25 therapy management shall include all of the following services:

26 (1) A medication therapy review and in-person consultation
27 relating to all medications, vitamins, and herbal supplements
28 currently being taken by an eligible individual.

29 (2) A medication action plan, subject to the limitations
30 specified in this section, communicated to the individual and
31 the individual's primary care physician or other appropriate
32 prescriber to address issues including appropriateness,
33 effectiveness, safety, drug interactions, and adherence. The
34 medication action plan may include drug therapy recommendations
35 to prescribers that are needed to meet clinical goals and



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1 achieve optimal patient outcomes.

2 (3) Documentation and follow-up to ensure consistent levels
3 of pharmacy services and positive outcomes.

4 2. a. The department shall utilize a request for proposals
5 process and shall enter into a contract for the provision of
6 medication therapy management services for eligible employees
7 who meet any of the following criteria:

8 (1) An individual who takes four or more prescription drugs
9 to treat or prevent two or more chronic medical conditions.

10 (2) An individual with a prescription drug therapy problem
11 who is identified by the prescribing physician or other
12 appropriate prescriber, and referred to a pharmacist for
13 medication therapy management services.

14 (3) An individual who meets other criteria established by
15 the third-party payment provider contract, policy, or plan.

16 b. The contract shall require the entity to provide annual
17 reports to the general assembly detailing the costs, savings,
18 estimated cost avoidance and return on investment, and improved
19 patient outcomes related to the medication therapy management
20 services provided. The entity shall guarantee demonstrated
21 annual savings for overall health care costs, including
22 emergency room, hospital, provider, and other costs, with
23 savings including associated cost avoidance, at least equal
24 to the program's costs with any shortfall amount refunded to
25 the state. The contract shall include terms, conditions,
26 and applicable measurement standards associated with the
27 demonstration of savings. The department shall verify the
28 demonstrated savings reported by the entity was achieved in
29 accordance with the agreed upon measurement standards. The
30 entity shall be prohibited from using the entity's employees to
31 provide the medication therapy management services and shall
32 instead be required to contract with licensed pharmacies,
33 pharmacists, or physicians.

34 c. The department may establish an advisory committee
35 comprised of an equal number of physicians and pharmacists

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1 to provide advice and oversight in evaluating the results of
2 the program. The department shall appoint the members of the
3 advisory committee based upon designees of the Iowa pharmacy
4 association, the Iowa medical society, and the Iowa osteopathic
5 medical association.

6 *d.* The fees for pharmacist-delivered medication therapy
7 management services shall be separate from the reimbursement
8 for prescription drug product or dispensing services; shall
9 be determined by each third-party payment provider contract,
10 policy, or plan; and must be reasonable based on the resources
11 and time required to provide the service.

12 *e.* A fee shall be established for physician reimbursement
13 for services delivered for medication therapy management as
14 determined by each third-party payment provider contract,
15 policy, or plan, and must be reasonable based on the resources
16 and time required to provide the service.

17 *f.* If any part of the medication therapy management
18 plan developed by a pharmacist incorporates services which
19 are outside the pharmacist's independent scope of practice
20 including the initiation of therapy, modification of dosages,
21 therapeutic interchange, or changes in drug therapy, the
22 express authorization of the individual's physician or other
23 appropriate prescriber is required.

24 **Sec. 7. EFFECTIVE UPON ENACTMENT.** This division of this
25 Act, being deemed of immediate importance, takes effect upon
26 enactment.

DIVISION V

STATE PHYSICAL RESOURCES

27
28 **Sec. 8. STATE EMPLOYEE WORK ENVIRONMENT ANALYSIS**
29 **AND REPORT.** By September 30, 2012, the department of
30 administrative services shall conduct a high level needs
31 analysis of state employee work stations and office standards,
32 focusing on reducing square footage needs and creating
33 healthy, productive, and efficient work environments. Overall
34 objectives of the analysis shall include improving employee
35

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1 responsible for providing technical assistance and application
2 assistance to applicants under the programs, negotiating
3 contracts, and providing project follow up. ~~The authority, in~~
4 ~~cooperation with the board, may conduct negotiations on behalf~~
5 ~~of the board with applicants regarding terms and conditions~~
6 ~~applicable to awards under the program.~~

7 Sec. 12. Section 16.194, subsection 2, Code 2011, is amended
8 to read as follows:

9 2. A city or county or a public organization in this
10 state may submit an application to the ~~Iowa jobs board~~
11 authority for financial assistance for a local infrastructure
12 competitive grant for an eligible project under the program,
13 notwithstanding any limitation on the state's percentage in
14 funding as contained in section 29C.6, subsection 17.

15 Sec. 13. Section 16.194, subsection 4, unnumbered paragraph
16 1, Code 2011, is amended to read as follows:

17 The ~~board~~ authority shall consider the following criteria in
18 evaluating eligible projects to receive financial assistance
19 under the program:

20 Sec. 14. Section 16.194, subsection 7, Code 2011, is amended
21 to read as follows:

22 7. In order for a project to be eligible to receive
23 financial assistance from the ~~board~~ authority, the project
24 must be a public construction project pursuant to subsection 1
25 with a demonstrated substantial local, regional, or statewide
26 economic impact.

27 Sec. 15. Section 16.194, subsection 8, unnumbered paragraph
28 1, Code 2011, is amended to read as follows:

29 The ~~board~~ authority shall not approve an application for
30 assistance for any of the following purposes:

31 Sec. 16. Section 16.194, subsection 9, paragraph b, Code
32 2011, is amended to read as follows:

33 *b.* Any portion of an amount allocated for projects
34 that remains unexpended or unencumbered one year after the
35 allocation has been made may be reallocated to another project



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1 category, at the discretion of the ~~board~~ authority. The ~~board~~
2 authority shall ensure that all bond proceeds be expended
3 within three years from when the allocation was initially made.

4 Sec. 17. Section 16.194, subsection 10, Code 2011, is
5 amended to read as follows:

6 10. The ~~board~~ authority shall ensure that funds obligated
7 under this section are coordinated with other federal program
8 funds received by the state, and that projects receiving funds
9 are located in geographically diverse areas of the state.

10 Sec. 18. Section 16.194A, subsections 2, 7, 9, and 10, Code
11 2011, are amended to read as follows:

12 2. A city or county in this state that applies the smart
13 planning principles and guidelines pursuant to sections 18B.1
14 and 18B.2 may submit an application to the ~~Iowa jobs board~~
15 authority for financial assistance for a local infrastructure
16 competitive grant for an eligible project under the program,
17 notwithstanding any limitation on the state's percentage in
18 funding as contained in section 29C.6, subsection 17.

19 7. In order for a project to be eligible to receive
20 financial assistance from the ~~board~~ authority, the project
21 must be a public construction project pursuant to subsection 1
22 with a demonstrated substantial local, regional, or statewide
23 economic impact.

24 9. Any portion of an amount allocated for projects
25 that remains unexpended or unencumbered one year after the
26 allocation has been made may be reallocated to another project
27 category, at the discretion of the ~~board~~ authority. The ~~board~~
28 authority shall ensure that all bond proceeds be expended
29 within three years from when the allocation was initially made.

30 10. The ~~board~~ authority shall ensure that funds obligated
31 under this section are coordinated with other federal program
32 funds received by the state, and that projects receiving funds
33 are located in geographically diverse areas of the state.

34 Sec. 19. Section 16.194A, subsection 4, unnumbered
35 paragraph 1, Code 2011, is amended to read as follows:

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1 The ~~board~~ authority shall consider the following criteria in
2 evaluating eligible projects to receive financial assistance
3 under the program:

4 Sec. 20. Section 16.194A, subsection 8, unnumbered
5 paragraph 1, Code 2011, is amended to read as follows:

6 The ~~board~~ authority shall not approve an application for
7 assistance for any of the following purposes:

8 Sec. 21. Section 16.195, Code Supplement 2011, is amended
9 to read as follows:

10 **16.195 Iowa jobs program application review.**

11 1. Applications for assistance under the Iowa jobs program
12 and Iowa jobs II program shall be submitted to the ~~Iowa finance~~
13 authority for review and approval. ~~The authority shall provide~~
14 ~~a staff review and evaluation of applications to the Iowa jobs~~
15 ~~program review committee referred to in subsection 2 and to the~~
16 ~~Iowa jobs board.~~

17 2. ~~A review committee composed of members of the board~~
18 ~~as determined by the board shall review Iowa jobs program~~
19 ~~applications submitted to the board and make recommendations~~
20 ~~regarding the applications to the board.~~ When reviewing the
21 applications, the ~~review committee and the authority~~ shall
22 consider the project criteria specified in sections 16.194 and
23 16.194A. The ~~board~~ authority shall develop the appropriate
24 level of transparency regarding project fund allocations.

25 3. Upon approval of an application for financial assistance
26 under the program, the ~~board~~ authority shall notify the
27 treasurer of state regarding the amount of moneys needed to
28 satisfy the award of financial assistance and the terms of the
29 award. The treasurer of state shall notify the ~~Iowa finance~~
30 authority any time moneys are disbursed to a recipient of
31 financial assistance under the program.

32 Sec. 22. Section 16.196, Code 2011, is amended to read as
33 follows:

34 **16.196 Iowa jobs ~~restricted capitals fund~~ — appropriations.**

35 1. ~~An Iowa jobs restricted capitals fund is created and~~



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~~1 established as a separate and distinct fund in the state
2 treasury. The fund consists of moneys appropriated from
3 the revenue bonds capitals fund created in section 12.88.
4 The moneys in the fund are appropriated to the Iowa jobs
5 board for purposes of the Iowa jobs program established in
6 section 16.194. Moneys in the fund shall not be subject to
7 appropriation for any other purpose by the general assembly,
8 but shall be used only for the purposes of the Iowa jobs
9 program. The treasurer of state shall act as custodian of the
10 fund and disburse moneys contained in the fund. The fund shall
11 be administered by the board which shall make allocations from
12 the fund consistent with the purposes of the Iowa jobs program.~~

13 ~~2.~~ 1. There is appropriated from the revenue bonds capitals
14 fund created in section 12.88, ~~to the Iowa jobs restricted~~
15 ~~capitals fund,~~ for the fiscal year beginning July 1, 2009, and
16 ending June 30, 2010, one hundred sixty-five million dollars to
17 be allocated as follows:

18 *a.* One hundred eighteen million five hundred thousand
19 dollars for competitive grants for local infrastructure
20 projects relating to disaster rebuilding, reconstruction
21 and replacement of local buildings, flood control and flood
22 protection, and future flood prevention public projects. An
23 applicant for a local infrastructure grant shall not receive
24 more than fifty million dollars in financial assistance from
25 the fund.

26 *b.* Forty-six million five hundred thousand dollars for
27 disaster relief and mitigation and local infrastructure
28 grants for the following renovation and construction projects,
29 notwithstanding any limitation on the state's percentage
30 participation in funding as contained in section 29C.6,
31 subsection 17:

32 (1) For grants to a county with a population between
33 one hundred eighty-nine thousand and one hundred ninety-six
34 thousand in the latest preceding certified federal census, to
35 be distributed as follows:

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1 (a) Ten million dollars for the construction of a new,
2 shared facility between nonprofit human service organizations
3 serving the public, especially the needs of low-income Iowans,
4 including those displaced as a result of the disaster of 2008.

5 (b) Five million dollars for the construction or renovation
6 of a facility for a county-funded workshop program serving
7 the public and particularly persons with mental illness or
8 developmental disabilities.

9 (2) For grants to a city with a population between one
10 hundred ten thousand and one hundred twenty thousand in the
11 latest preceding certified federal census, to be distributed
12 as follows:

13 (a) Five million dollars for an economic redevelopment
14 project benefiting the public by improving energy efficiency
15 and the development of alternative and renewable energy
16 technologies.

17 (b) Ten million dollars for a museum serving the public and
18 dedicated to the preservation of an eastern European cultural
19 heritage through the collection, exhibition, preservation, and
20 interpretation of historical artifacts.

21 (c) Five million dollars for a theater serving the public
22 and promoting culture, entertainment, and tourism.

23 (d) Five million dollars for a public library.

24 (e) Five million dollars for a public works building.

25 (3) One million five hundred thousand dollars, to be
26 distributed as follows:

27 (a) Five hundred thousand dollars to a city with a
28 population between six hundred and six hundred fifty in the
29 latest preceding certified federal census, for a public fire
30 station.

31 (b) Five hundred thousand dollars to a city with a
32 population between one thousand four hundred and one thousand
33 five hundred in the latest preceding certified federal census,
34 for a public fire station.

35 (c) Five hundred thousand dollars for a city with a

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1 population between seven thousand eight hundred and seven
 2 thousand eight hundred fifty, for a public fire station.
 3 ~~3.~~ 2. Grant awards for a project under subsection 2,
 4 paragraph "b", are contingent upon submission of a plan for
 5 each project by the applicable county or city governing board
 6 or in the case of a project submitted pursuant to subsection
 7 2, paragraph "b", subparagraph (2), subparagraph division (b),
 8 by the board of directors, to the ~~Iowa jobs board~~ authority,
 9 no later than September 1, 2009, detailing a description of
 10 the project, the plan to rebuild, and the amount or percentage
 11 of federal, state, local, or private matching moneys which
 12 will be or have been provided for the project. Funds not
 13 utilized in accordance with subsection 2, paragraph "b", due
 14 to failure to file a plan by the September 1 deadline shall
 15 revert to the ~~Iowa jobs restricted~~ revenue bonds capitals fund
 16 to be available for local infrastructure competitive grants. A
 17 grant recipient under subsection 2, paragraph "b", shall not be
 18 precluded from applying for a local infrastructure competitive
 19 grant pursuant to this section and section 16.195.

20 ~~4. Moneys in the fund are not subject to section 8.33.~~
 21 ~~Notwithstanding section 12C.7, subsection 2, interest or~~
 22 ~~earnings on moneys in the fund shall be credited to the fund.~~

23 ~~5.~~ 3. Annually, on or before January 15 of each year, the
 24 ~~board~~ authority shall report to the legislative services agency
 25 and the department of management the status of all projects
 26 receiving moneys from the fund completed or in progress. The
 27 report shall include a description of the project, the progress
 28 of work completed, the total estimated cost of the project, a
 29 list of all revenue sources being used to fund the project, the
 30 amount of funds expended, the amount of funds obligated, and
 31 the date the project was completed or an estimated completion
 32 date of the project, where applicable.

33 ~~6.~~ 4. Payment of moneys appropriated from the fund shall be
 34 made in a manner that does not adversely affect the tax-exempt
 35 status of any outstanding bonds issued by the treasurer of

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1 state.

2 Sec. 23. Section 16.197, Code 2011, is amended to read as
3 follows:

4 **16.197 Limitation of liability.**

5 ~~A member of the Iowa jobs board, a person acting on behalf of~~
6 ~~the board while acting within the scope of their employment or~~
7 ~~agency,~~ The authority or the treasurer of state, shall not be
8 subject to personal liability resulting from carrying out the
9 powers and duties of the ~~board~~ authority or the treasurer, as
10 applicable, in sections ~~16.192~~ 16.193 through 16.196.

11 Sec. 24. IOWA JOBS BOARD — TRANSITION PROVISIONS —
12 LIMITATION OF LIABILITY.

13 1. Any contract or agreement issued or entered into by the
14 Iowa jobs board relating to the provisions of this division
15 of this Act, in effect on the effective date of this division
16 of this Act, shall continue in full force and effect and
17 any responsibility of the board relative to the contracts or
18 agreements as provided in those contracts or agreements shall
19 be transferred to the Iowa finance authority.

20 2. A member of the Iowa jobs board or a person acting on
21 behalf of the board while acting within the scope of that
22 person's employment or agency shall not be subject to personal
23 liability resulting from carrying out the powers and duties
24 of the board prior to the effective date of this division of
25 this Act, as applicable, in sections 12.87 through 12.90 and in
26 sections 16.192 through 16.196, Code and Code Supplement 2011.

27 Sec. 25. REPEAL. Sections 16.191 and 16.192, Code
28 Supplement 2011, are repealed.

29 DIVISION VIII

30 OFFICE OF DRUG CONTROL POLICY

31 Sec. 26. Section 80.8, subsection 3, paragraph a, Code 2011,
32 is amended to read as follows:

33 a. The salaries of peace officers and employees of the
34 department and the expenses of the department shall be provided
35 for by a legislative appropriation, except the salary of the



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1 drug policy coordinator shall be fixed by the governor as
 2 provided in section 80E.1. The compensation of peace officers
 3 of the department shall be fixed according to grades as to rank
 4 and length of service by the commissioner with the approval of
 5 the department of administrative services, unless covered by a
 6 collective bargaining agreement that provides otherwise.

7 Sec. 27. Section 80.9, Code 2011, is amended by adding the
 8 following new subsection:

9 NEW SUBSECTION. 10. The department shall receive and review
 10 the budget submitted by the drug policy coordinator and assist
 11 the drug policy coordinator in directing the office of drug
 12 control's policy pursuant to section 80E.1.

13 Sec. 28. Section 80.17, subsection 1, Code 2011, is amended
 14 by adding the following new paragraph:

15 NEW PARAGRAPH. *g.* Office of drug control policy.

16 Sec. 29. Section 80E.1, subsection 1, Code 2011, is amended
 17 to read as follows:

18 1. The office of drug control policy is established in the
 19 department of public safety. A drug policy coordinator shall
 20 be appointed by the governor, subject to confirmation by the
 21 senate, and shall serve at the pleasure of the governor. The
 22 governor shall fill a vacancy in the office in the same manner
 23 as the original appointment was made. The coordinator shall be
 24 selected primarily for administrative ability. The coordinator
 25 shall not be selected on the basis of political affiliation
 26 and shall not engage in political activity while holding the
 27 office. The salary of the coordinator shall be fixed by the
 28 governor.

29 Sec. 30. Section 80E.1, subsection 2, paragraph a, Code
 30 2011, is amended to read as follows:

31 *a.* Direct the ~~governor's~~ office of drug control policy,
 32 and coordinate and monitor all statewide narcotics enforcement
 33 efforts, coordinate and monitor all state and federal substance
 34 abuse treatment grants and programs, coordinate and monitor all
 35 statewide substance abuse prevention and education programs

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1 in communities and schools, and engage in such other related
2 activities as required by law. The coordinator shall work in
3 coordinating the efforts of the department of corrections, the
4 department of education, the Iowa department of public health,
5 ~~the department of public safety,~~ and the department of human
6 services. The coordinator shall assist in the development
7 and implementation of local and community strategies to fight
8 substance abuse, including local law enforcement, education,
9 and treatment activities.

10 Sec. 31. Section 124.101, subsection 21, Code 2011, is
11 amended to read as follows:

12 21. "Office" means the ~~governor's~~ office of drug control
13 policy, as referred to in section 80E.1.

14 Sec. 32. Section 135.130, subsection 2, Code 2011, is
15 amended to read as follows:

16 2. A substance abuse treatment facility advisory council
17 is established within the department to advise and make
18 recommendations to the director regarding the establishment
19 and operation of a facility for persons with a substance
20 abuse problem who are on probation and to assist with the
21 implementation of treatment programs that are proven to
22 be effective for offenders. The substance abuse treatment
23 facility advisory council shall consist of the directors of the
24 eight judicial district departments of correctional services
25 and one representative each from the judicial branch, the Iowa
26 department of public health, the department of corrections, and
27 the ~~governor's~~ office of drug control policy.

28 Sec. 33. Section 216A.132, subsection 1, paragraph b, Code
29 2011, is amended to read as follows:

30 b. The departments of human services, corrections, and
31 public safety, the office on the status of African Americans,
32 the department of public health, the chairperson of the board
33 of parole, the attorney general, the state public defender,
34 and the ~~governor's~~ office of drug control policy shall each
35 designate a person to serve on the council.

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1 Sec. 34. Section 216A.140, subsection 5, paragraph h, Code
2 2011, is amended to read as follows:

3 ~~h. Governor's office~~ Office of drug control policy.

4 Sec. 35. Section 602.8108, subsection 4, Code Supplement
5 2011, is amended to read as follows:

6 4. The clerk of the district court shall remit all moneys
7 collected from the drug abuse resistance education surcharge
8 provided in section 911.2 to the state court administrator
9 for deposit in the general fund of the state and the amount
10 deposited is appropriated to the ~~governor's~~ office of drug
11 control policy for use by the drug abuse resistance education
12 program and other programs directed for a similar purpose.

DIVISION IX

BOARDS AND COMMISSIONS

15 Sec. 36. Section 190A.3, subsection 4, Code 2011, is amended
16 to read as follows:

17 4. The ~~farm-to-school council~~ department of agriculture and
18 land stewardship and the department of education shall actively
19 seek financial or in-kind contributions from organizations or
20 persons to support the program.

21 Sec. 37. Section 256.9, subsection 55, paragraph j, Code
22 Supplement 2011, is amended by striking the paragraph.

23 Sec. 38. REPEAL. Section 190A.2, Code 2011, is repealed.

DIVISION X

OBSOLETE PROVISIONS

26 Sec. 39. REPEAL. Section 15.112, Code Supplement 2011, is
27 repealed.

28 Sec. 40. REPEAL. Chapters 15C and 15D, Code 2011, are
29 repealed.

EXPLANATION

31 This bill relates to government efficiency, including other
32 matters related to the operation of state and local government.

33 DIVISION I — GOVERNMENT INFORMATION TECHNOLOGY SERVICES.

34 This division amends Code section 8A.205, concerning digital
35 government, to encourage state agencies to utilize duplex



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1 printing. This division of the bill also directs the
2 department of administrative services (DAS) to establish a
3 schedule for departments to comply with information technology
4 coordination and management requirements of Code chapter
5 8A. In addition, DAS is encouraged to procure information
6 technology for participating agencies through leasing.

7 DIVISION II — SPAN OF CONTROL. This division concerns the
8 requirements of Code section 8A.402(2)(g) relating to the ratio
9 of supervisory employees to other employees in executive branch
10 agencies. The division requires the department of management,
11 by July 31, 2012, to ensure that a five-member review board
12 to hear waiver requests of executive branch agencies of the
13 ratio requirement be established and to file a report with
14 the general assembly concerning whether an executive branch
15 agency has met the target ratio as provided in Code section
16 8A.402(2)(g) or has been granted an exception or waiver of the
17 requirement. The division provides that if the department
18 of management fails to comply with the requirements of this
19 provision, the appropriation to the department for FY 2012-13
20 shall be reduced by ten percent. This division takes effect
21 upon enactment.

22 DIVISION III — HEALTH INSURANCE TASK FORCE. This division
23 creates a state employee health insurance task force under the
24 authority of the legislative council to examine all aspects
25 of providing health care coverage to state employees. The
26 division provides that the legislative council appoint members
27 for the task force and provides for who should be appointed.
28 The bill requires the task force to submit a report to the
29 general assembly by December 31, 2012.

30 DIVISION IV — MEDICATION THERAPY MANAGEMENT. This division
31 of the bill relates to medication therapy management. The bill
32 codifies the pilot program for medication therapy management
33 implemented on July 1, 2010, for eligible state employees,
34 making the program an ongoing program and directing DAS to
35 utilize a request for proposals process and to enter into a

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1 contract to continue the program. This division of the bill
2 takes effect upon enactment.

3 DIVISION V — STATE PHYSICAL RESOURCES. This division of the
4 bill requires that DAS conduct an analysis of state employee
5 workstations and office standards by September 30, 2012. The
6 division further requires the department to submit findings
7 and recommendations to the capitol planning commission and the
8 legislative government oversight committees by October 30,
9 2012.

10 DIVISION VI — OPERATIONAL EFFICIENCIES. This division
11 provides that each state department and agency shall not use
12 mail to provide departmental notices and information unless
13 otherwise required by federal law or for the purposes of legal
14 action. The bill provides that departments utilize their
15 internet sites or electronic mail for this purpose.

16 DIVISION VII — IOWA JOBS BOARD. This division of this bill
17 eliminates the Iowa jobs board and provides that any duties
18 or responsibilities of the Iowa jobs board shall become the
19 responsibility of the Iowa finance authority. The division
20 also provides transition provisions relative to any contracts
21 or agreements entered into by the Iowa jobs board and provides
22 for a limitation of personal liability for actions by a member
23 or agent of the board taken prior to the effective date of this
24 division of the bill relative to the duties of the board.

25 DIVISION VIII — OFFICE OF DRUG CONTROL POLICY. This
26 division transfers the administration of the governor's office
27 of drug control policy from the office of the governor to the
28 department of public safety. The division changes the name
29 of governor's office of drug control policy to office of drug
30 control policy.

31 The division requires the department of public safety to
32 review the budget submitted by the drug policy coordinator and
33 assist the drug policy coordinator in directing the governor's
34 office of drug control policy pursuant to Code section 80E.1.

35 The division does not modify the appointment of the drug

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1 policy coordinator. Currently, the governor appoints the drug
2 policy coordinator, subject to confirmation by the senate, and
3 the coordinator serves at the pleasure of the governor.

4 The division also does not modify the current duties of the
5 drug policy coordinator to coordinate and monitor all statewide
6 narcotics enforcement efforts, substance abuse treatment grants
7 and programs, substance abuse prevention and education programs
8 in communities and schools, and to engage in such other related
9 activities as required by law.

10 DIVISION IX — BOARDS AND COMMISSIONS. This division of the
11 bill repeals the farm-to-school council.

12 DIVISION X — OBSOLETE PROVISIONS. This division of the
13 bill repeals Code section 15.112, relating to matching funds
14 for a farmworks national demonstration project; Code chapter
15 15C, relating to a world trade center; and Code chapter
16 15D, relating to the midwest nuclear compact, which contains
17 provisions relating to repeal and withdrawal from the compact.