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House File 2369

H-8138

- 1 Amend House File 2369 as follows:
2 1. Page 1, lines 7 and 8, by striking ~~<examiner,~~
3 ~~or a funeral director, or the county registrar>~~ and
4 inserting ~~<examiner, a funeral director, or the county~~
5 state registrar>

KLEIN of Washington



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House File 2432

H-8139

- 1 Amend House File 2432 as follows:
- 2 1. Page 1, line 17, after <association,> by
- 3 inserting <the Iowa school nurse organization,>

L. MILLER of Scott



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House File 2380

H-8140

1 Amend House File 2380 as follows:

2 1. Page 5, line 13, after <standards.> by inserting
3 <Rules adopted pursuant to this subsection shall be
4 designed to preserve, to the extent possible, autonomy
5 and flexibility for local educational agencies to adopt
6 local policies and processes for the evaluation system
7 consistent with this subsection and section 256.9,
8 subsection 64.>

9 2. Page 5, line 19, by striking <subsection> and
10 inserting <subsections>

11 3. Page 5, lines 23 and 24, by striking <to
12 standardize the instruments and processes used>

13 4. Page 5, line 32, after <system.> by inserting
14 <The department shall monitor alternative teacher
15 evaluation systems approved pursuant to this
16 subsection and section 284.4, subsection 1, paragraph
17 "e", subparagraph (2), to ensure that evaluation
18 outcomes are consistent in the aggregate with student
19 achievement results at the school districts and
20 school levels and that approved alternative teacher
21 evaluation systems continue to meet the local and
22 state educational goals and the requirements specified
23 for the statewide alternative administrator system
24 developed pursuant to this subsection.>

25 5. By striking page 5, line 35, through page 6,
26 line 6, and inserting:

27 <(1) For teachers who teach core curriculum
28 coursework, student achievement growth data from
29 assessments administered under the value-added
30 assessment system established pursuant to section
31 256.24 which shall comprise at least fifty percent of a
32 teacher's evaluation, using data from the value-added
33 assessment system established pursuant to section
34 256.24.

35 (2) For teachers who do not directly instruct
36 students in subjects and grades outside of the core
37 curriculum, the following indicators or assessments as
38 approved by the director who shall do either of the
39 following:

40 (a) Develop and implement a plan to incorporate
41 student achievement growth indicators, resulting
42 from assessments approved by the department, which
43 shall comprise at least fifty percent of a teacher's
44 evaluation using data from the value-added assessment
45 system established pursuant to section 256.24.

46 (b) Develop and distribute, or support the area
47 education agencies in the development and distribution,
48 of common assessments aligned with the core content
49 standards established pursuant to section 256.7,
50 subsection 28. The director or the area education

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1 agencies as appropriate shall collaborate with school
2 districts and education stakeholders to develop common
3 assessments for subjects and grades outside of the core
4 curriculum. Student achievement growth indicators
5 resulting from the assessments shall comprise at least
6 fifty percent of a teacher's evaluation using data from
7 the value-added assessment system established pursuant
8 to section 256.24.

9 (3) Measurement of student achievement growth
10 indicators which shall be in accordance with the growth
11 model developed pursuant to section 256.24.

12 (4) Additional measures for teachers which shall
13 be correlated with impacts on student achievement
14 results. Measures shall include student surveys and
15 multiple classroom observations during the school year
16 by trained master teachers, administrators, or an
17 evaluator as defined in section 284.2, who shall use
18 clear, consistent observation rubrics provided to the
19 teacher in advance of the school year, and may include
20 other measures aligned with student achievement.

21 (5) Processes and requirements to determine the
22 teacher of record for purposes of assigning student
23 achievement scores in order to evaluate a teacher's
24 performance, which shall be aligned with regulations
25 adopted pursuant to the federal No Child Left Behind
26 Act of 2001, Pub. L. No. 107-110 relating to highly
27 qualified teacher reporting requirements.

28 (6) Processes to verify instructional staffing
29 assignments and the students assigned to each member
30 of the instructional staff for purposes of evaluating
31 teacher performance.

32 (7) Standards for rating levels assigned to
33 teachers in accordance with paragraph "e".

34 (8) Processes and requirements for value-added
35 methods to be used in measuring student achievement
36 growth for purposes of teacher evaluation using the
37 value-added system established pursuant to section
38 256.24.

39 (9) Minimum training requirements for the evaluator
40 training programs offered in accordance with section
41 284.10.

42 c. The components of the statewide administrator
43 evaluation system shall include but not be limited to
44 the following:

45 (1) Attendance center or district-wide student
46 achievement growth, as appropriate, which shall
47 comprise fifty percent of the evaluation.

48 (2) Multiple measures for the remaining fifty
49 percent of the evaluation that include but are not
50 limited to any of the following:

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1 (a) Multiple observations by the school district
2 superintendent or an evaluator as defined in section
3 284.2.
4 (b) Improvement in the percentage of instructional
5 personnel that advance to a level determined by the
6 department to be effective or highly effective.
7 (c) Retention of effective and highly effective
8 teachers from year-to-year.
9 (d) Parent survey results.
10 (e) Other factors as determined by the director.
11 d. Teachers and administrators shall be notified in
12 writing in advance of the school year of the measures
13 and any specific indicators that will be used to
14 evaluate practitioners under the systems developed
15 pursuant to this subsection.
16 e. Each teacher and administrator shall be assigned
17 a rating of highly effective, effective, minimally
18 effective, or ineffective, as defined by the state
19 board or area education agency. Whether or not a
20 practitioner is determined to be effective shall be
21 based in significant part on the percentage of students
22 under the authority of the practitioner who achieved
23 at least one grade level of growth during the school
24 year, or otherwise achieved appropriate growth based
25 on expectations derived from at least two years of
26 individual student achievement data.
27 NEW SUBSECTION. 65. Develop, implement, and post
28 on the department's internet site a statewide student
29 growth model aligned with the value-added assessment
30 system established pursuant to section 256.24 for
31 determining student growth on assessments for purposes
32 of teacher and administrator evaluation in order to
33 standardize student academic growth measures and ensure
34 that a teacher's performance is measured substantially
35 according to the value the teacher adds to student
36 learning growth.
37 NEW SUBSECTION. 66. Provide technical assistance
38 to school districts in the development and
39 implementation of an alternative teacher evaluation
40 system under section 284.4, subsection 1, paragraph
41 "e", subparagraph (2), including providing or assisting
42 school districts in the development of evaluator
43 training programs offered pursuant to section 284.10,
44 and a resource bank that identifies assessments,
45 processes, tools, and policies that a school district
46 may use to develop an alternative evaluation system.
47 The resource bank shall include resources that are
48 appropriate to school districts of different sizes,
49 demographics, and locations and shall be updated
50 periodically to reflect new research and current best

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1 practices.

2 Sec. _____. Section 279.13, Code 2011, is amended by
 3 adding the following new subsection:

4 **NEW SUBSECTION. 6.** Notwithstanding the other
 5 provisions of this section and any contrary provision
 6 of the Code, if the board of directors of a school
 7 district or charter school institutes, by majority vote
 8 of the membership of the board, a reduction in force,
 9 a decision by the board to lay off a teacher or to
 10 not renew a teacher contract shall be based upon the
 11 teacher's effectiveness as demonstrated in evaluations
 12 conducted pursuant to sections 284.4 and 284.8. A
 13 teacher assigned a rating of ineffective or minimally
 14 effective shall be laid off before a teacher who is
 15 assigned a rating of effective or highly effective,
 16 and a teacher assigned a rating of effective shall be
 17 laid off before a teacher who is assigned a rating of
 18 highly effective. A teacher who is assigned a rating
 19 of effective shall be placed on paid leave for one
 20 year. A school district shall fill positions that
 21 open up based upon whether the teacher is qualified
 22 under chapter 272 to fill the position and if more
 23 than one teacher on paid leave is qualified for the
 24 position, priority, with the consent of the principal
 25 of the attendance center, shall be given to the teacher
 26 assigned the highest rating under the evaluation system
 27 adopted pursuant to section 284.4.

28 Sec. _____. Section 279.19, Code 2011, is amended to
 29 read as follows:

30 **279.19 Probationary period.**

31 1. The For a teacher first employed by a school
 32 district on or after July 1, 2012, the first three
 33 five consecutive years of employment of a teacher in
 34 the same school district are a probationary period.
 35 However, if the teacher has successfully completed a
 36 probationary period of employment for another school
 37 district located in Iowa, the probationary period in
 38 the current district of employment shall not exceed one
 39 year. A board of directors may waive the probationary
 40 period for any teacher who previously has served a
 41 probationary period in another school district and
 42 the board may extend the probationary period for an
 43 additional year with the consent of the teacher.

44 2. In the case of the termination of a probationary
 45 teacher's contract, the provisions of sections 279.15
 46 and 279.16 shall apply. However, if the probationary
 47 teacher is a beginning teacher who fails to demonstrate
 48 competence in the Iowa teaching standards in accordance
 49 with chapter 284, the provisions of sections 279.17 and
 50 279.18 shall also apply.



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1 The board's decision shall be final and binding
 2 unless the termination was based upon an alleged
 3 violation of a constitutionally guaranteed right of
 4 the teacher or an alleged violation of public employee
 5 rights of the teacher under section 20.10.
 6 Notwithstanding any provision to the contrary, the
 7 grievance procedures of section 20.18 relating to
 8 job performance or job retention shall not apply to a
 9 teacher during the first two years of the teacher's
 10 probationary period. However, this paragraph shall not
 11 apply to a teacher who has successfully completed a
 12 probationary period in a school district in Iowa.
 13 Sec. _____. Section 284.3, subsection 2, Code 2011,
 14 is amended to read as follows:
 15 2. A school board shall provide, for the following:
 16 a. For purposes of comprehensive evaluations for
 17 beginning teachers required to allow beginning teachers
 18 to progress to career teachers, standards and criteria
 19 that are the Iowa teaching standards specified in
 20 subsection 1 and the criteria for the Iowa teaching
 21 standards developed by the department in accordance
 22 with section 256.9, subsection 46. These standards and
 23 criteria shall be set forth in an instrument provided
 24 by the department. The comprehensive evaluation and
 25 instrument are not subject to negotiations or grievance
 26 procedures pursuant to chapter 20 or determinations
 27 made by the board of directors under section 279.14.
 28 A local school board and its certified bargaining
 29 representative may negotiate, pursuant to chapter 20,
 30 evaluation and grievance procedures for beginning
 31 teachers that are not in conflict with this chapter.
 32 If, in accordance with section 279.19, a beginning
 33 teacher appeals the determination of a school board to
 34 an adjudicator under section 279.17, the adjudicator
 35 selected shall have successfully completed training
 36 related to the Iowa teacher standards, the criteria
 37 adopted by the state board of education in accordance
 38 with subsection 3, and any additional training required
 39 under rules adopted by the public employment relations
 40 board in cooperation with the state board of education.
 41 b. For purposes of performance reviews for teachers
 42 other than beginning teachers, evaluations that
 43 contain, at a minimum, the Iowa teaching standards
 44 specified in subsection 1, as well as the criteria
 45 for the Iowa teaching standards developed by the
 46 department in accordance with section 256.9, subsection
 47 46. A local school board and its certified bargaining
 48 representative may negotiate, pursuant to chapter
 49 20, additional teaching standards and criteria. A
 50 local school board and its certified bargaining



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1 ~~representative shall negotiate, pursuant to chapter 20,~~
 2 ~~evaluation and grievance procedures for teachers other~~
 3 ~~than beginning teachers that are not in conflict with~~
 4 ~~this chapter.>~~
 5 6. Page 6, line 13, by striking <review> and
 6 inserting <review evaluation>
 7 7. Page 6, line 17, after <administrators> by
 8 inserting <and any other practitioner who evaluates
 9 ~~teachers pursuant to this chapter>~~
 10 8. Page 6, by striking line 19 and inserting:
 11 <(2) (a) Develop and implement with the assistance
 12 of the department, for the fiscal year beginning July
 13 1, 2013, an alternative teacher evaluation system pilot
 14 program that meets local and state educational goals
 15 and is aligned with the requirements specified for the
 16 statewide teacher evaluation system developed pursuant
 17 to section 256.9, subsection 64. This subparagraph
 18 division is repealed July 1, 2015.
 19 (b) Adopt, by July 1, 2014, the statewide teacher
 20 evaluation>
 21 9. Page 6, line 23, after <goals> by inserting
 22 <and is aligned with requirements specified for
 23 the statewide teacher evaluation system developed
 24 pursuant to section 256.9, subsection 64. The
 25 alternative system shall be designed to ensure that
 26 every student is taught by an effective teacher, regard
 27 teachers' impact on students, foster improvements in
 28 teaching, and give all teachers a meaningful chance to
 29 succeed. A school district shall involve teachers and
 30 administrators in designing and implementation planning
 31 for the alternative teacher evaluation system, but
 32 the alternative teacher evaluation system design and
 33 implementation plans are not subject to the scope of
 34 negotiations specified in section 20.9.>
 35 10. By striking page 6, line 27, through page 7,
 36 line 24, and inserting:
 37 <Sec. _____. Section 284.8, Code 2011, is amended by
 38 striking the section and inserting in lieu thereof the
 39 following:
 40 **284.8 Teacher performance evaluation requirements —**
 41 **purposes.**
 42 1. A school district shall evaluate a teacher's
 43 performance at least once annually based upon using the
 44 statewide teacher evaluation system adopted pursuant
 45 to section 256.9, subsection 64, or the alternative
 46 teacher evaluation system approved under section 284.4,
 47 subsection 1, and the system adopted shall be used as
 48 follows:
 49 a. As the basis for all instructional staffing and
 50 personnel decisions made on or after July 1, 2015,



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1 including when a school district makes a reduction in
 2 force under section 279.13 and when making decisions
 3 regarding teacher career advancement under section
 4 284.7.

5 *b.* For purposes of entering into or terminating
 6 teacher contracts and for purposes of negotiating
 7 collective bargaining agreements on or after July 1,
 8 2015.

9 *c.* To provide high-quality, job-embedded, and
 10 ongoing mentoring, supports, and professional
 11 development for teachers, aligned to the teacher's
 12 needs as identified in the teacher's evaluation and
 13 individual teacher professional development plan.

14 2. A teacher who is assigned a rating of minimally
 15 effective or ineffective under the teacher evaluation
 16 system adopted pursuant to section 284.4 may be
 17 required to participate in an intensive assistance
 18 program upon recommendation to the school district
 19 by the teacher's supervisor. Notwithstanding the
 20 provisions of chapter 20 and section 279.27, if the
 21 teacher has participated in an intensive assistance
 22 program as required under this subsection and is
 23 assigned a rating of minimally effective or ineffective
 24 after each of the three most recent consecutive annual
 25 performance evaluations, the teacher's contract
 26 may be terminated. The superintendent, or the
 27 superintendent's designee, shall notify the teacher
 28 immediately that the superintendent will recommend in
 29 writing to the board at a regular or special meeting
 30 of the board held not more than fifteen days after
 31 notification has been given to the teacher that the
 32 teacher's continuing contract be terminated effective
 33 immediately following a decision of the board. The
 34 notification shall be personally delivered to the
 35 teacher or mailed by certified mail.

36 Sec. _____. Section 284A.2, subsection 3, Code 2011,
 37 is amended to read as follows:

38 3. "*Comprehensive evaluation*" means a summative
 39 evaluation of a beginning administrator conducted by
 40 an evaluator in accordance with section 284A.3 for
 41 purposes of determining a beginning administrator's
 42 level of competency for recommendation for licensure
 43 based on the Iowa standards for school administrators
 44 adopted pursuant to section 256.7, subsection 27. For
 45 school districts, the comprehensive evaluation shall
 46 utilize the administrator evaluation system adopted by
 47 the school district pursuant to section 284A.7.

48 Sec. _____. Section 284A.5, subsection 5, Code 2011,
 49 is amended to read as follows:

50 5. By the end of a beginning administrator's first



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1 year of employment, the beginning administrator ~~may~~
2 shall be comprehensively evaluated to determine if
3 the administrator meets expectations to move to a
4 professional administrator license, where appropriate.
5 The school district or area education agency that
6 employs a beginning administrator shall recommend
7 the beginning administrator for a professional
8 administrator license, where appropriate, if the
9 beginning administrator is determined through a the
10 comprehensive evaluation to demonstrate competence
11 in the Iowa standards for school administrators
12 adopted pursuant to section 256.7, subsection 27,
13 and if employed by a school district, is assigned a
14 rating of effective or highly effective. A school
15 district or area education agency may allow a beginning
16 administrator a second year to demonstrate competence
17 in the Iowa standards for school administrators or
18 to move to a rating of effective or highly effective
19 if, after conducting a comprehensive evaluation, the
20 school district or area education agency determines
21 that the administrator is likely to successfully
22 demonstrate competence in the Iowa standards for school
23 administrators by the end of the second year or be
24 assigned a rating of effective or highly effective.
25 Upon notification by the school district or area
26 education agency, the board of educational examiners
27 shall grant a beginning administrator who has been
28 allowed a second year to demonstrate competence a
29 one-year extension of the beginning administrator's
30 initial license. An administrator granted a second
31 year to demonstrate competence shall undergo a
32 comprehensive evaluation at the end of the second
33 year.>

34 11. Page 7, line 28, by striking <A> and inserting
35 <A Utilizing the statewide administrator evaluation
36 system developed pursuant to section 256.9, subsection
37 64, a>

38 12. Page 7, line 30, by striking <chapter 272> and
39 inserting <chapter 272>

40 13. Page 7, line 31, by striking <chapter 256>

41 14. Page 8, line 7, after <plan> by inserting
42 <; the school district or attendance center's
43 student achievement, as appropriate; performance of
44 instructional employees under the authority of the
45 administrator, recruitment and retention of effective
46 and highly effective teachers at the school district
47 or attendance center, as appropriate; improvement in
48 the percentage of instructional personnel evaluated at
49 the highly effective or effective level; feedback from
50 parents; and other leadership practices that result in



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1 student achievement growth
 2 15. Page 8, line 12, after <goals> by inserting
 3 <and is aligned with the requirements specified for the
 4 statewide alternative administrator system developed
 5 pursuant to section 256.9, subsection 64>
 6 16. Page 8, after line 15 by inserting:
 7 <3. Notwithstanding section 279.24, if an
 8 administrator is assigned a rating of ineffective for
 9 two consecutive years or for two out of three of the
 10 most recent consecutive years under the administrator
 11 evaluation system adopted pursuant to subsection 2,
 12 the administrator's contract may be terminated. The
 13 superintendent, or the superintendent's designee, shall
 14 notify the administrator immediately in writing that
 15 the superintendent will recommend in writing to the
 16 board at a regular or special meeting of the board held
 17 not more than fifteen days after notification has been
 18 given to the administrator that the administrator's
 19 continuing contract be terminated effective immediately
 20 following a decision of the board. Notwithstanding
 21 section 279.24, if the administrator is the
 22 superintendent of the school district, the board shall
 23 notify the superintendent immediately of its intention
 24 to terminate the superintendent's contract at a regular
 25 or special meeting of the board held not more than
 26 fifteen days after notification has been given to the
 27 superintendent. Notification shall be personally
 28 delivered to the administrator or mailed by certified
 29 mail.>
 30 17. By striking page 8, line 16, through page 9,
 31 line 3.
 32 18. Page 10, by striking lines 7 through 24.
 33 19. Page 27, by striking lines 5 through 22.
 34 20. Page 27, before line 23 by inserting:
 35 <Sec. ____ . Section 284.2, subsection 8, Code 2011,
 36 is amended to read as follows:
 37 8. "Performance evaluation" means a summative
 38 evaluation of a teacher other than a beginning
 39 teacher and used to determine whether the teacher's
 40 practice meets school district expectations and the
 41 Iowa teaching standards, and to determine whether the
 42 teacher's practice meets school district expectations
 43 for career advancement in accordance with section
 44 284.7.>
 45 21. Page 28, after line 11 by inserting:
 46 <Sec. ____ . Section 284.7, subsection 1, paragraph
 47 b, subparagraph (1), subparagraph division (b), Code
 48 2011, is amended to read as follows:
 49 (b) Is reviewed rated effective using the teacher
 50 evaluation system adopted by the school district as



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1 ~~demonstrating the competencies of a career teacher~~
 2 ~~pursuant to section 284.4.~~

3 Sec. ____ . Section 284.7, subsection 2, paragraph
 4 a, subparagraph (1), Code 2011, is amended to read as
 5 follows:

6 (1) A career II teacher is a teacher who meets
 7 the requirements of subsection 1, paragraph "b",
 8 subparagraph (1), subparagraph divisions (a), (c),
 9 and (d); was rated highly effective in the most
 10 recent teacher performance evaluation performed in
 11 accordance with section 284.4; has met the requirements
 12 established by the school district that employs the
 13 teacher; and is evaluated by the school district
 14 as demonstrating the competencies of a career II
 15 teacher. ~~The teacher shall have successfully completed~~
 16 ~~a performance review in order to be classified as a~~
 17 ~~career II teacher.~~

18 Sec. ____ . Section 284.7, subsection 2, paragraph b,
 19 subparagraph (1), Code 2011, is amended by adding the
 20 following new subparagraph division:

21 NEW SUBPARAGRAPH DIVISION. (e) Was rated highly
 22 effective in the most recent teacher performance
 23 evaluation performed in accordance with section 284.4.

24 Sec. ____ . Section 284.7, subsection 2, paragraph
 25 b, subparagraph (2), Code 2011, is amended to read as
 26 follows:

27 (2) It is the intent of the general assembly that
 28 the participating district shall establish a minimum
 29 salary for an advanced teacher that is at least
 30 thirteen thousand five hundred dollars greater than the
 31 minimum career teacher salary. ~~In conjunction with the~~
 32 ~~development of the review panel pursuant to section~~
 33 ~~284.9, the department shall make recommendations to~~
 34 ~~the general assembly by January 1, 2002, regarding~~
 35 ~~the appropriate district-to-district recognition for~~
 36 ~~advanced teachers and methods that facilitate the~~
 37 ~~transition of a teacher to the advanced level.~~

38 Sec. ____ . Section 284.9, subsection 1, Code 2011,
 39 is amended to read as follows:

40 1. A career II teacher seeking to receive an
 41 advanced designation shall submit a portfolio of work
 42 evidence aligned with the Iowa teaching standards to a
 43 review panel established in accordance with subsection
 44 2. A majority of the evidence in the portfolio shall
 45 be classroom-based. The review panel shall evaluate
 46 the career II teacher's portfolio and past evaluations
 47 in accordance with section 256.9, subsection 64, to
 48 determine whether the teacher demonstrates superior
 49 teaching skills, and shall make a recommendation to
 50 the board of educational examiners whether or not the



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1 teacher shall receive an advanced designation. The
2 standards for recommendation include, but are not
3 limited to, meeting the Iowa teaching standards at an
4 advanced level.>
5 22. By renumbering as necessary.

KOESTER of Polk



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House File 2380

H-8141

- 1 Amend House File 2380 as follows:
- 2 1. Page 1, after line 2 by inserting:
- 3 <Sec. _____. Section 256.7, subsection 26, paragraph
- 4 a, Code Supplement 2011, is amended by adding the
- 5 following new subparagraph:
- 6 NEW SUBPARAGRAPH. (02) The rules shall allow a
- 7 school district or accredited nonpublic school to award
- 8 high school credit to a student upon the demonstration
- 9 of required competencies for a course or content area,
- 10 as approved by an appropriately licensed teacher. The
- 11 school district or accredited nonpublic school shall
- 12 determine the assessment methods by which a student
- 13 demonstrates sufficient evidence of the required
- 14 competencies.>
- 15 2. Page 2, line 9, after <5.> by inserting
- 16 <a. The task force shall submit a preliminary
- 17 report that includes but is not limited to its
- 18 findings and recommendations relating to subsection 2,
- 19 paragraphs "b", "d", and "e", by January 15, 2013.
- 20 b.>
- 21 3. Page 2, line 11, by striking <January> and
- 22 inserting <November>
- 23 4. Page 2, by striking lines 13 through 23.
- 24 5. By renumbering as necessary.

T. OLSON of Linn

SCHULTE of Linn



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House File 2367

H-8142

1 Amend the amendment, H-8137, to House File 2367 as
2 follows:
3 1. Page 1, line 3, by striking <and intentionally>
4 2. Page 1, after line 3 by inserting:
5 <__. Page 1, line 11, by striking <implied> and
6 inserting <implied, or reasonably should have known
7 that the person was entering the land of an owner,
8 lessee, or occupant without any legal right, express
9 or implied>>

HAGENOW of Polk



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House File 2367

H-8143

- 1 Amend the amendment, H-8137, to House File 2367 as
2 follows:
3 1. Page 1, by striking line 15 and inserting:
4 <__. Page 1, line 28, by striking <artificial> and
5 inserting <dangerous>>
6 2. By renumbering as necessary.

HAGENOW of Polk



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House File 2424

H-8144

- 1 Amend House File 2424 as follows:
2 1. Page 5, after line 14 by inserting:
3 <Sec. _____. FUTURE REPEAL. This Act is repealed
4 July 1, 2014. The Code editor shall restore the
5 language in the sections of the Code of Iowa amended
6 by this Act to the language present in those sections
7 in the 2011 Code of Iowa.>
8 2. Title page, line 2, after <court> by inserting
9 <, and including future repeal provisions>

ANDERSON of Page

WOLFE of Clinton



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House File 2426

H-8145

- 1 Amend House File 2426 as follows:
2 1. By striking page 23, line 30, through page 24,
3 line 5.
4 2. Page 25, by striking lines 7 through 23.
5 3. By renumbering as necessary.

BALTIMORE of Boone



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House Joint Resolution 2010

H-8146

- 1 Amend House Joint Resolution 2010 as follows:
2 1. Page 3, line 1, after <relief> by inserting
3 <for personal income tax reduction, homeowner property
4 tax reduction, sales tax reduction, or access to
5 high-quality schools>

WINCKLER of Scott



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House Joint Resolution 2010

H-8147

- 1 Amend House Joint Resolution 2010 as follows:
- 2 1. Page 3, line 1, after <relief> by inserting <for
- 3 personal income tax reduction, homeowner property tax
- 4 reduction, sales tax reduction, or elder services>

OLDSON of Polk



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House Joint Resolution 2010

H-8148

- 1 Amend House Joint Resolution 2010 as follows:
2 1. Page 4, line 26, after <passage> by inserting
3 <unless the bill also repeals an existing tax or taxes
4 resulting in a revenue neutral net fiscal impact for
5 the bill>

JACOBY of Johnson



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House Joint Resolution 2010

H-8149

1 Amend House Joint Resolution 2010 as follows:
2 1. Page 3, line 7, after <assembly.> by inserting
3 <However, the requirement of approval by at least a
4 three-fifths vote does not apply in the case of a bill
5 solely providing property tax relief.>

JACOBY of Johnson



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House Joint Resolution 2010

H-8150

- 1 Amend House Joint Resolution 2010 as follows:
2 1. Page 4, by striking lines 14 through 17 and
3 inserting <sales and use taxes shall require the
4 affirmative votes of at>

JACOBY of Johnson



Iowa General Assembly
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House File 2428

H-8151

1 Amend House File 2428 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. Section 321.457, subsection 2, Code
5 2011, is amended by adding the following new paragraph:
6 NEW PARAGRAPH. *n.* (1) Notwithstanding paragraph
7 "g" or any other provision of this chapter, the
8 department is authorized to adopt rules providing for
9 economic export corridors for the transportation of
10 goods or products manufactured in Iowa to or through
11 the state of South Dakota and for the return of unladen
12 trailers or semitrailers used for the transportation of
13 those goods or products. The rules may authorize the
14 operation of the following combinations of vehicles on
15 an economic export corridor:
16 (a) A truck tractor-semitrailer-semitrailer
17 converted to trailer by use of a dolly equipped with a
18 fifth wheel which is considered a part of the trailer
19 for all purposes, and not a separate unit.
20 (b) A truck tractor-semitrailer-trailer.
21 (c) A truck tractor-semitrailer-semitrailer.
22 (2) Rules adopted pursuant to this paragraph "n"
23 shall provide that combinations of vehicles authorized
24 to operate on an economic export corridor shall meet
25 all of the following requirements:
26 (a) The rear unit of the combination of vehicles
27 shall meet the brake, hitch, and control requirements
28 of section 321.430, subsection 3.
29 (b) The length of the combination of vehicles,
30 excluding the length of the truck tractor, shall not
31 exceed eighty-one and one-half feet.
32 (c) The length of either trailer or semitrailer
33 shall not exceed forty-five feet. When the
34 semitrailers in a truck tractor-semitrailer-semitrailer
35 combination are connected by a rigid frame extension
36 including a fifth wheel connection point attached
37 to the rear frame of the first semitrailer, the
38 length of the frame extension shall not be included
39 when determining the overall length of the first
40 semitrailer.
41 (d) If the length of the tow bar exceeds nineteen
42 feet, the tow bar shall be flagged during daylight
43 hours and lighted at night.
44 (e) The weight of the second trailer or semitrailer
45 shall not exceed the weight of the first trailer or
46 semitrailer by more than three thousand pounds.
47 (f) The gross weight of the combination of vehicles
48 shall not exceed eighty thousand pounds and the
49 combination of vehicles shall not exceed the gross axle
50 weight limits of section 321.463, subsection 2.

HF2428.4843 (2) 84

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dea/sc

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House Resolution 125 - Introduced

HOUSE RESOLUTION NO. 125

BY HALL

1 A Resolution urging Congress to include political
2 organizations within the scope of the National Do
3 Not Call Registry.

4 WHEREAS, in 2003 Congress enacted the Do-Not-Call
5 Implementation Act of 2003; and

6 WHEREAS, under the Act the entry of a telephone
7 number on the National Do Not Call Registry will stop
8 most, but not all, unsolicited telephone calls; and

9 WHEREAS, calls from political organizations are
10 exempt from this restriction; and

11 WHEREAS, this omission is a glaring loophole in the
12 law; NOW THEREFORE,

13 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
14 That the House of Representatives urges the members of
15 Iowa's congressional delegation to support legislation
16 including political organizations within the scope of
17 the National Do Not Call Registry.



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House Study Bill 665 - Introduced

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

A BILL FOR

1 An Act providing for a tax credit against the individual
2 and corporate income taxes, the franchise tax, insurance
3 premiums tax, and the moneys and credits tax for a
4 charitable contribution to certain institutions engaged in
5 regenerative medicine research and including retroactive
6 applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5547YC (4) 84
mm/sc



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H.F. _____

1 Section 1. NEW SECTION. 422.11L **Regenerative medicine**
2 **research tax credit.**

3 1. a. The taxes imposed under this division, less the
4 credits allowed under section 422.12, shall be reduced by a
5 regenerative medicine research tax credit.

6 b. The credit shall be in an amount equal to twenty percent
7 of a taxpayer's charitable contribution to an eligible research
8 institution located in the state. For purposes of this
9 section, "*eligible research institution*" means an organization
10 qualifying under section 501(c)(3) of the Internal Revenue
11 Code as an organization exempt from federal income taxation
12 under section 501(a) of the Internal Revenue Code that is
13 engaged in research designed to improve patient care through
14 the development and dissemination of novel clinical therapies
15 for the functional repair and replacement of diseased tissues
16 and organs, including research for the treatment of cancer.
17 "*Eligible research institution*" excludes a postsecondary
18 institution or an entity or organization receiving twenty-five
19 percent or more of its annual budget from a postsecondary
20 institution.

21 c. An individual may claim a tax credit under this
22 subsection of a partnership, limited liability company,
23 S corporation, estate, or trust electing to have income
24 taxed directly to the individual. The amount claimed by the
25 individual shall be based upon the pro rata share of the
26 individual's earnings from the partnership, limited liability
27 company, S corporation, estate, or trust.

28 d. Any tax credit in excess of the taxpayer's tax liability
29 for the tax year is not refundable, but the taxpayer may
30 elect to have the excess credited to the tax liability for
31 the following four tax years or until depleted, whichever is
32 earlier.

33 2. a. To claim a tax credit under this section, the
34 taxpayer shall apply to the department for a tax credit
35 certificate. After verifying the eligibility of a taxpayer for

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1 a tax credit pursuant to this section, the department shall
 2 issue a tax credit certificate to be attached to the taxpayer's
 3 tax return. The tax credit certificate shall be issued on
 4 a first-come, first-served basis based upon the date of the
 5 application and shall contain the taxpayer's name, address,
 6 tax identification number, the amount of the credit, the
 7 certificate expiration date, and any other information required
 8 by the department.

9 *b.* To claim a tax credit under this section, a taxpayer must
 10 attach one or more tax credit certificates to the taxpayer's
 11 tax return. The tax credit certificate or certificates
 12 attached to the taxpayer's tax return shall be issued in the
 13 taxpayer's name, and the expiration date on the certificate
 14 shall be a date that falls on or after the last day of the
 15 taxable year for which the taxpayer is claiming the tax credit.

16 *c.* The tax credit certificate, unless otherwise void,
 17 shall be accepted by the department as payment toward the
 18 tax liability of the taxpayer, subject to any conditions or
 19 restrictions placed by the department upon the face of the
 20 tax credit certificate and subject to the limitations of this
 21 section.

22 *d.* Tax credit certificates issued under this section are not
 23 transferable to any person or entity.

24 3. A deduction pursuant to section 170 of the Internal
 25 Revenue Code for the amount of the contribution eligible for
 26 the tax credit is not allowed for state tax purposes.

27 4. The maximum amount of tax credits issued in a fiscal
 28 year pursuant to this section, section 422.33, subsection 29,
 29 section 422.60, subsection 14, section 432.12N, and section
 30 533.329, subsection 2, paragraph "m", shall not exceed ten
 31 million dollars.

32 Sec. 2. Section 422.33, Code Supplement 2011, is amended by
 33 adding the following new subsection:

34 NEW SUBSECTION. 29. The taxes imposed under this division
 35 shall be reduced by a regenerative medicine research tax credit



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1 institutions and entities that receive 25 percent or more of
2 their annual budget from a postsecondary institution do not
3 qualify.

4 Generally, such contributions are tax deductible under
5 current federal and state law, and taking a deduction for the
6 contribution precludes the taxpayer from claiming the credit
7 under the bill.

8 The tax credit is not refundable but, at the taxpayer's
9 election, may be credited to the taxpayer's tax liability for
10 up to four subsequent tax years or until depletion, whichever
11 is earlier. The tax credits are not transferable. The maximum
12 amount of tax credits is limited to \$10 million in any one
13 fiscal year. The department of revenue approves the tax
14 credits and issues the tax credit certificates to taxpayers.

15 The bill applies retroactively to January 1, 2012, for tax
16 years beginning on or after that date.



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Senate File 2275

S-5059

- 1 Amend Senate File 2275 as follows:
2 1. Page 1, line 14, by striking <operator> and
3 inserting <service provider>
4 2. Page 1, line 15, by striking <operating>
5 3. Page 1, line 15, by striking <with a> and
6 inserting <with an internet wagering>
7 4. Page 1, line 16, by striking <conduct> and
8 inserting <provide>
9 5. Page 3, line 1, by striking <operators> and
10 inserting <service providers>
11 6. Page 3, line 15, by striking <conduct> and
12 inserting <operate>
13 7. Page 3, line 18, by striking <operator> and
14 inserting <service provider>
15 8. Page 3, line 18, after <provided in> by
16 inserting <this section and>
17 9. Page 3, by striking lines 23 through 30 and
18 inserting <operate gambling games under this chapter
19 as determined by the commission. The issuance of a
20 license to>
21 10. Page 3, line 31, by striking <by more than one
22 licensee>
23 11. Page 4, line 5, by striking <through a single
24 internet site> and inserting <as determined by the
25 commission>
26 12. Page 4, line 13, by striking <conduct> and
27 inserting <operate>
28 13. Page 4, line 22, by striking <conduct> and
29 inserting <operate>
30 14. Page 4, after line 29 by inserting:
31 <0e. A qualified sponsoring organization licensed
32 to operate gambling games under this chapter that
33 is issued an individual or a single joint internet
34 wagering license shall make distributions of the
35 receipts from internet wagering on poker in the same
36 manner as provided in section 99F.6, subsection 4,
37 paragraph "a", subparagraph (2), or in the operating
38 agreement entered into by the qualified sponsoring
39 organization as provided in section 99F.5, whichever
40 is applicable.>
41 15. Page 4, after line 32 by inserting:
42 <3. A person holding a valid license pursuant to
43 chapter 99D or section 99F.7 is exempt from further
44 investigation and examination for licensing to operate
45 internet wagering pursuant to this chapter. However,
46 the commission may order future investigations or
47 examinations as the commission finds appropriate.>
48 16. Page 5, line 3, after <license,> by inserting
49 <an internet wagering service provider license,>
50 17. Page 5, lines 8 and 9, by striking <applicant,

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ec/nh

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1 and internet wagering operator if applicable,> and
2 inserting <applicant>
3 18. Page 5, lines 10 and 11, by striking
4 <applicant, or internet wagering operator if
5 applicable,> and inserting <applicant>
6 19. Page 5, lines 21 and 22, by striking <a
7 gambling games licensee who submits an application> and
8 inserting <an applicant>
9 20. Title page, line 1, by striking <conduct> and
10 inserting <operate>
11 21. By renumbering as necessary.

JEFF DANIELSON



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Senate File 2302

S-5060

- 1 Amend Senate File 2302 as follows:
2 1. Page 1, line 11, after <awarded.> by inserting
3 <This subsection does not apply to a request for
4 bids or proposals for architectural or engineering
5 services.>
6 2. Page 1, line 12, after <12B.> by inserting <a.>
7 3. Page 1, line 17, by striking <a.> and inserting
8 <(1)>
9 4. Page 1, line 19, by striking <b.> and inserting
10 <(2)>
11 5. Page 1, line 24, by striking <c.> and inserting
12 <(3)>
13 6. Page 1, line 27, by striking <d.> and inserting
14 <(4)>
15 7. Page 1, after line 29 by inserting:
16 <b. This subsection does not apply to a request
17 for bids or proposals for architectural or engineering
18 services.>

SHAWN HAMERLINCK

SF2302.4804 (1) 84

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Senate File 2315

S-5061

1 Amend Senate File 2315 as follows:

2 1. Page 2, line 5, by striking <inpatient hospital
3 services> and inserting <acute inpatient hospital
4 services and services provided in large institutional
5 settings>

6 2. Page 4, line 15, by striking <county,> and
7 inserting <county and region,>

8 3. Page 5, by striking lines 26 through 35 and
9 inserting:

10 <Sec. ____ . Section 226.10, Code 2011, is amended to
11 read as follows:

12 **226.10 Equal treatment.**

13 The ~~several~~ patients of the state mental health
14 institutes, according to their different conditions
15 of mind and body, and their respective needs, shall
16 be provided for and treated with equal care. If in
17 addition to mental illness a patient has a co-occurring
18 intellectual disability, brain injury, or substance
19 abuse disorder or other special need, the care provided
20 shall also address the co-occurring needs.>

21 4. Page 6, by striking lines 8 through 10 and
22 inserting <by the state commission. The information
23 reported shall conform with the cost principles for
24 state, local, and Indian tribal governments issued by
25 the United States office of management and budget.
26 The information shall also segregate expenditures for
27 administration, purchase of service, and enterprise
28 costs in which the county is a service provider or
29 is directly billing and collecting payments and shall
30 be submitted on forms prescribed by the department
31 of management. If the department of human services
32 determines good>

33 5. Page 7, by striking line 11 and inserting
34 <subject to the approval of the>

35 6. Page 7, line 35, by striking <intellectual
36 disability> and inserting <intellectual or other
37 developmental disability>

38 7. Page 8, line 3, by striking <brain injury>
39 and inserting <a developmental disability other than
40 intellectual disability, brain injury,>

41 8. Page 8, line 14, by striking <clinical> and
42 inserting <functional>

43 9. Page 11, by striking lines 20 through 22.

44 10. Page 12, line 31, after <human services> by
45 inserting <in consultation with the state commission>

46 11. Page 13, by striking lines 11 through 13 and
47 inserting:

48 <c. The person has a diagnosis of intellectual
49 disability.>

50 12. Page 14, line 13, after <facility> by inserting

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jp/rj

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1 <or to the individual's home>
2 13. Page 14, by striking lines 16 through 27 and
3 inserting:
4 <2. a. (1) A region shall work with service
5 providers to ensure that services are available to
6 residents of the region, regardless of potential
7 payment source for the services.
8 (2) The director of human services shall ensure
9 that funding through the medical assistance program
10 under chapter 249A is available to pay for the services
11 within the core service domains listed in subsection
12 4 to the greatest extent allowable under federal
13 regulation and shall ensure that eligible individuals
14 are enrolled in the medical assistance program as
15 efficiently as possible. Within funds available,
16 the region shall pay for such services for eligible
17 individuals when payment through the medical assistance
18 program or another third-party payment source is not
19 available, unless the individual is on a waiting list
20 for such payment or unless the medical assistance
21 program or its contractors have determined that the
22 individual does not meet the program's criteria for
23 such services.
24 (3) Until funding is designated for other service
25 populations, eligibility for the service domains
26 listed in this section shall be limited to such persons
27 who are in need of mental health or intellectual
28 disability services. However, if a county in a
29 region was providing services to an individual with
30 a developmental disability other than intellectual
31 disability or a brain injury prior to formation of the
32 region, the individual shall remain eligible for the
33 services provided when the region is formed, provided
34 that funds are available to continue such services.>
35 14. Page 16, by striking lines 4 and 5 and
36 inserting:
37 <5. A region shall ensure that access is available
38 to providers of core services that demonstrate
39 competencies necessary for all of the following:>
40 15. Page 16, line 20, after <facility> by inserting
41 <and community-based>
42 16. Page 16, line 22, by striking <Subacute
43 services> and inserting <Subacute services provided in
44 facility and community-based settings>
45 17. Page 17, by striking line 5 and inserting
46 <recognized as an evidence-based practice, is deemed
47 to be an emerging and promising practice, or providing
48 the services is part of a demonstration and will supply
49 evidence as to the services' effectiveness.>
50 18. Page 18, after line 20 by inserting:

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1 <Sec. _____. APPLICABILITY. The provisions of
2 this division of this Act amending chapter 225C are
3 applicable prior to July 1, 2013, for purposes of
4 adopting rules to be effective on or after July 1,
5 2013.

6 Sec. _____. EFFECTIVE DATE. The following provisions
7 of this Act take effect July 1, 2013:

8 1. The sections of this division of this Act
9 amending chapter 225C.>

10 19. By striking page 18, line 22, through page 22,
11 line 3, and inserting:

12 <REDESIGN PLANNING, SUPPORT, AND IMPLEMENTATION
13 Sec. _____. REDESIGN SUPPORT.

14 1. The department of human services shall work with
15 the Iowa state association of counties in providing
16 training, support, and technical assistance to counties
17 in developing the mental health and disability services
18 regional services system as provided in this Act and
19 in evaluating whether any barriers exist that would
20 prevent or restrict the community services network
21 developed by the association from being used as the
22 data system for the service system.

23 2. The department shall identify third-party
24 coverage sources and develop estimates and financing
25 options for maximizing the use of the third-party
26 coverage sources in adding eligibility for core
27 services under the mental health and disability
28 services regional service system for adults with a
29 developmental disability other than intellectual
30 disability and for adults with brain injury. The
31 estimates and financing options shall be submitted to
32 the governor and general assembly on or before December
33 14, 2012.

34 Sec. _____. MENTAL HEALTH AND DISABILITY SERVICES
35 WORKFORCE DEVELOPMENT WORKGROUP.

36 1. The department of human services shall create
37 and provide support to a mental health and disability
38 services workforce development workgroup to address
39 issues in connection with assuring that an adequate
40 workforce is available in the state to provide mental
41 health and disability services. The membership of
42 the workgroup shall include the other state agencies
43 involved with the services and other appropriate
44 stakeholders designated by the director of human
45 services in consultation with the chairpersons and
46 ranking members of the committees on human resources
47 of the senate and house of representatives. In
48 addition, the membership shall include four members
49 of the general assembly with one each appointed by
50 the majority and minority leader of the senate and

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1 the speaker and minority leader of the house of
 2 representatives. The workgroup shall report to the
 3 governor and general assembly providing findings and
 4 recommendations and financing information concerning
 5 the findings and recommendations. A preliminary report
 6 shall be submitted on or before December 14, 2012, and
 7 a final report on or before December 16, 2013.

8 2. The workgroup shall coordinate and align its
 9 efforts with the recommendations of the direct care
 10 worker task force created pursuant to 2005 Iowa
 11 Acts, chapter 88, and the direct care worker advisory
 12 council created pursuant to 2008 Iowa Acts, chapter
 13 69, regarding training, level of competency, core
 14 curricula, and certification, including but not limited
 15 to those provisions relating to the use of the college
 16 of direct support and other internet-based training.

17 Sec. ____ REGIONAL SERVICE SYSTEM — OUTCOMES AND
 18 PERFORMANCE MEASURES COMMITTEE.

19 1. The department of human services shall establish
 20 an outcomes and performance measures committee to make
 21 recommendations for specific outcomes and performance
 22 measures to be utilized by the mental health and
 23 disability services regional service system. The
 24 membership of the committee shall include appropriate
 25 stakeholders designated by the director of human
 26 services in consultation with the chairpersons and
 27 ranking members of the committees on human resources
 28 of the senate and house of representatives. In
 29 addition, the membership shall include four members
 30 of the general assembly with one each appointed by
 31 the majority and minority leader of the senate and
 32 the speaker and minority leader of the house of
 33 representatives.

34 2. The committee's recommendations shall
 35 incorporate the outcome measurement methodologies
 36 previously developed by the mental health and
 37 disability services commission. To the extent
 38 possible, the committee shall seek to provide outcome
 39 and performance measures recommendations that are
 40 consistent across the mental health and disability
 41 services populations addressed. The committee shall
 42 also evaluate data collection requirements utilized
 43 in the mental health and disability regional service
 44 system to identify the requirements that could be
 45 eliminated or revised due to the administrative burden
 46 involved or the low degree of relevance to outcomes or
 47 other reporting requirements.

48 3. The committee recommendations shall be submitted
 49 to the governor, general assembly, and policymaking
 50 bodies. Initial recommendations shall be submitted on



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1 or before December 14, 2012, and final recommendations
2 on or before December 16, 2013. The mental health
3 and disability services commission and other
4 policymaking bodies shall consider the recommendations
5 in eliminating or otherwise revising data collection
6 requirements.>
7 20. Page 22, line 23, by striking <Expand> and
8 inserting <Implement>
9 21. Page 22, line 24, after <tools> by inserting
10 <by the regional service system and the department of
11 human services>
12 22. Page 23, line 1, after <providers.> by
13 inserting <The efforts under this paragraph shall be
14 made with representatives of the Iowa state association
15 of counties.>
16 23. By striking page 23, line 32, through page 24,
17 line 15, and inserting:
18 <Sec. _____. Section 97B.1A, subsection 8, paragraph
19 a, Code Supplement 2011, is amended by adding the
20 following new subparagraph:
21 NEW SUBPARAGRAPH. (13) Employees of a regional
22 administrator formed in accordance with section
23 331.438E, determined to be an instrumentality of
24 the political subdivision forming the regional
25 administrator.>
26 24. Page 25, line 4, by striking <with the approval
27 of> and inserting <in consultation with>
28 25. Page 26, line 6, by striking <November 1,
29 2012,> and inserting <April 1, 2013,>
30 26. Page 26, by striking line 21 and inserting:
31 <c. During the period of April 2, 2013, through
32 July 1,>
33 27. Page 26, by striking lines 23 and 24 and
34 inserting <agreed to be part of a region in accordance
35 with paragraph "a" and with the regions forming around
36 the county to>
37 28. Page 26, line 26, by striking <January 1,
38 2013,> and inserting <July 1, 2013,>
39 29. Page 26, line 29, by striking <June 30, 2013,>
40 and inserting <December 31, 2013,>
41 30. Page 26, line 32, by striking <June 30, 2014,>
42 and inserting <June 30, 2015,>
43 31. Page 28, by striking lines 10 through 20 and
44 inserting <comprising the regions or their designees.>
45 32. Page 29, by striking lines 26 through 34 and
46 inserting:
47 <2. The accounting system and financial reporting
48 to the department shall conform with the cost
49 principles for state, local, and Indian tribal
50 governments issued by the United States office of



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1 management and budget. The information shall segregate
 2 expenditures for administration, purchase of service,
 3 and enterprise costs for which the region is a service
 4 provider or is directly billing and collecting payments
 5 and shall be identified along with other financial
 6 information in a uniform chart of accounts prescribed
 7 by the department of management. Following periodic
 8 review of administrative costs, the department
 9 shall make recommendations, in consultation with the
 10 legislative services agency, for standards defining
 11 region administrative costs and the methodology for
 12 calculating a region's administrative load. Such
 13 standards shall be specified in rule adopted by the
 14 state commission.>

15 33. Page 30, line 19, after <board.> by inserting
 16 <The voting procedures may provide for a weighted vote
 17 on decisions identified by the governing board. A
 18 weighted vote may provide for assignment of a number
 19 of votes to each of the counties comprising the region
 20 equal to its population within the region, may require
 21 at least three-fourths of the total votes cast for
 22 approval of a decision, or may provide for another
 23 weighted vote option determined by the governing
 24 board.>

25 34. Page 30, line 20, before <executive> by
 26 inserting <process for selecting the>

27 35. Page 31, line 6, by striking <specific> and
 28 inserting <general>

29 36. Page 31, line 35, after <2011,> by inserting
 30 <to another public employer>

31 37. Page 32, line 31, by striking <administrator,>
 32 and inserting <administrator that cannot be resolved
 33 informally,>

34 38. Page 38, by striking lines 4 through 6.

35 39. Page 44, by striking lines 17 through 21 and
 36 inserting <The diagnoses of clinically evident damage
 37 to the brain used for a diagnosis of brain injury
 38 shall be the same as specified by rule for eligibility
 39 for the home and community-based services waiver for
 40 persons with brain injury under the medical assistance
 41 program.>

42 40. Page 47, by striking lines 2 through 6
 43 and inserting <~~considered as outpatients of the~~
 44 institution. No An order of commitment shall not be
 45 issued unless the superintendent of the institution
 46 recommends that the order be issued, and advises the
 47 court that adequate facilities for the care of the
 48 person are available.>

49 41. By renumbering as necessary.



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JACK HATCH



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Senate File 2317 - Introduced

SENATE FILE 2317
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 2167)
(SUCCESSOR TO SSB 3051)

A BILL FOR

1 An Act relating to the issuance of hunting and fishing licenses
2 and providing for fees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5226SZ (2) 84
av/nh



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S.F. 2317

1 Section 1. Section 461C.8, subsection 3, Code 2011, is
 2 amended to read as follows:

3 3. A hunter who participates in urban deer control pursuant
 4 to this section shall be otherwise qualified to hunt deer
 5 in this state, ~~have purchase~~ a hunting license ~~and pay that~~
 6 includes the wildlife habitat fee, and obtain a special deer
 7 hunting license valid only for the dates, locations, and
 8 type of deer specified on the license. Special deer hunting
 9 licenses issued pursuant to this section shall be available
 10 only to residents and shall cost the same as deer hunting
 11 licenses issued during general deer seasons. The commission
 12 may establish procedures for issuing more than one license
 13 per person as necessary to achieve the purposes of urban deer
 14 control, and the cost of each additional license shall be ten
 15 dollars.

16 Sec. 2. Section 481A.72, Code 2011, is amended to read as
 17 follows:

18 **481A.72 Hooks and lines.**

19 1. A person shall not at any time take from the waters
 20 of the state any fish, except as otherwise provided in this
 21 chapter, except with hook, line, and bait, nor shall a person
 22 use more than ~~two~~ three lines nor more than two hooks on each
 23 line in still fishing or trolling, and in fly fishing not more
 24 than two flies may be used on one line, and in trolling and bait
 25 casting not more than two trolling spoons or artificial bait
 26 may be used on one line.

27 2. A person shall not leave fish line or lines and hooks in
 28 the water unattended by being out of visual sight of the lines
 29 and hooks.

30 3. One hook means a single, double, or treble pointed hook,
 31 and all hooks attached as a part of an artificial bait or lure
 32 shall be counted as one hook.

33 Sec. 3. Section 481A.93, subsection 2, paragraph b,
 34 subparagraph (2), Code 2011, is amended to read as follows:

35 (2) The totally blind person is accompanied and aided by a



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1 person who is at least eighteen years of age and whose vision
 2 is not seriously impaired. The accompanying person must ~~have~~
 3 purchase a hunting license ~~and pay that includes~~ the wildlife
 4 habitat fee as provided in section 483A.1 if applicable. If
 5 the accompanying person is not required to have a hunting
 6 license the person is not required to pay the wildlife habitat
 7 fee. During the hunt, the accompanying adult must be within
 8 arm's reach of the totally blind person, and must be able to
 9 identify the target and the location of the laser sight beam on
 10 the target. A person other than the totally blind person shall
 11 not shoot the laser sight-equipped gun or bow.

12 Sec. 4. Section 481C.2A, subsection 1, paragraph d, Code
 13 Supplement 2011, is amended to read as follows:

14 *d.* A producer who enters into a depredation agreement with
 15 the department of natural resources shall be issued a set of
 16 authorization numbers. Each authorization number authorizes
 17 a resident hunter to obtain a depredation license that is
 18 valid only for taking antlerless deer on the land designated
 19 in the producer's depredation plan. A producer may transfer
 20 an authorization number issued to that producer to a resident
 21 hunter who has permission to hunt on the land for which the
 22 authorization number is valid. An authorization number shall
 23 be valid to obtain a depredation license in any season. The
 24 provisions of this paragraph shall be implemented by August
 25 15, 2008. A transferee who receives an authorization number
 26 pursuant to this paragraph "*d*" shall be otherwise qualified to
 27 hunt deer in this state, ~~have purchase~~ a hunting license, ~~pay~~
 28 that includes the wildlife habitat fee, and pay the one dollar
 29 fee for the purpose of the deer herd population management
 30 program.

31 Sec. 5. Section 483A.1, Code 2011, is amended to read as
 32 follows:

33 **483A.1 Licenses — fees.**

34 Except as otherwise provided in this chapter, a person
 35 shall not fish, trap, hunt, pursue, catch, kill, take in any



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1 manner, use, have possession of, sell, or transport all or a
 2 part of any wild animal, bird, game, or fish, the protection
 3 and regulation of which is desirable for the conservation of
 4 resources of the state, without first obtaining a license for
 5 that purpose and the payment of a fee as follows:

- 6 1. Residents:
- 7 a. Fishing license, annual\$ 17.00
- 8 b. Fishing license, three-year\$ 51.00
- 9 c. Fishing license, seven-day\$ 11.50
- 10 d. Fishing license, one-day\$ 7.50
- 11 e. Third line fishing permit, annual\$ 10.00
- 12 ~~b.~~ f. Fishing license, lifetime, sixty-five
 13 years or older\$ 50.50
- 14 ~~e.~~ g. Hunting license, annual, not including the wildlife
 15 habitat fee\$ 17.00
- 16 oh. Hunting license, annual, including the
 17 wildlife habitat fee\$ 28.00
- 18 h. Hunting license, three-year, including
 19 the wildlife habitat fees\$ 84.00
- 20 ~~d.~~ i. Hunting license, lifetime, sixty-five
 21 years or older\$ 50.50
- 22 j. Combination hunting and fishing license,
 23 annual, including the wildlife habitat fee\$ 45.00
- 24 ~~e.~~ k. Deer hunting license\$ 25.50
- 25 ~~f.~~ l. Wild turkey hunting license\$ 22.50
- 26 ~~g.~~ m. Fur harvester license, annual, not including the
 27 wildlife habitat fee, sixteen years
 28 or older\$ 20.50
- 29 on. Fur harvester license, annual, including
 30 the wildlife habitat fee, sixteen years
 31 or older\$ 31.50
- 32 ~~h.~~ n. Fur harvester license, annual, not including the
 33 wildlife habitat fee, under sixteen
 34 years of age\$ 5.50
- 35 ~~i.~~ o. Fur dealer license\$225.50

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1	j <u>p.</u>	Aquaculture unit license	\$ 25.50
2	k <u>q.</u>	Retail bait dealer license	\$ 30.50
3	l.	Fishing license, seven-day	\$ 11.50
4	m <u>r.</u>	Trout fishing fee	\$ 10.50
5	n <u>s.</u>	Game breeder license	\$ 15.50
6	o <u>t.</u>	Taxidermy license	\$ 15.50
7	p <u>u.</u>	Falconry license	\$ 20.50
8	q <u>v.</u>	Wildlife habitat fee	\$ 11.00
9	r <u>w.</u>	Migratory game bird fee	\$ 8.00
10	s.	Fishing license, one-day	\$ 7.50
11	t <u>x.</u>	Wholesale bait dealer license	\$125.00
12	u <u>y.</u>	Boundary waters sport trotline	
13		license, annual	\$ 20.50
14	2.	Nonresidents:	
15	a.	Fishing license, annual	\$ 39.00
16	b.	Fishing license, seven-day	\$ 30.00
17	<u>c.</u>	<u>Fishing license, three-day</u>	<u>\$ 15.50</u>
18	<u>d.</u>	<u>Fishing license, one-day</u>	<u>\$ 8.50</u>
19	<u>e.</u>	<u>Third line fishing permit, annual</u>	<u>\$ 10.00</u>
20	e <u>f.</u>	<u>Hunting license, annual, including the wildlife</u>	
21		<u>habitat fee, eighteen years of</u>	
22		<u>age or older</u>	<u>\$110.00</u>
23			<u>121.00</u>
24	d <u>g.</u>	<u>Hunting license, annual, including the wildlife</u>	
25		<u>habitat fee, under eighteen</u>	
26		<u>years of age</u>	<u>\$ 30.00</u>
27			<u>41.00</u>
28	e <u>h.</u>	Deer hunting license, antlered or	
29		any sex deer	\$295.00
30	f <u>i.</u>	Preference point issued under	
31		section 483A.7, subsection 3,	
32		paragraph "b", or section 483A.8,	
33		subsection 3, paragraph "e"	\$ 50.00
34	g <u>j.</u>	Deer hunting license, antlerless	
35		deer only, required with the purchase	

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1 of an antlered or any sex deer hunting
2 license\$125.00
3 ~~h.~~ k. Deer hunting license, antlerless
4 deer only\$225.00
5 ~~i.~~ l. Holiday deer hunting license
6 issued under section 483A.8, subsection 6,
7 antlerless deer only\$ 75.00
8 ~~j.~~ m. Wild turkey hunting license\$100.00
9 ~~k.~~ n. Fur harvester license, including the wildlife
10 habitat fee\$200.00
11 211.00
12 ~~l.~~ o. Fur dealer license\$501.00
13 ~~m.~~ p. Location permit for fur dealers.....\$ 56.00
14 ~~n.~~ q. Aquaculture unit license\$ 56.00
15 ~~o.~~ r. Retail bait dealer license ~~or the~~\$125.00
16 or the amount for the same type of license
17 in the nonresident's state, whichever
18 is greater
19 s. Wholesale bait dealer license\$250.00
20 or the amount for the same type of
21 license in the nonresident's state,
22 whichever is greater
23 ~~p.~~ t. Trout fishing fee\$ 13.00
24 ~~q.~~ u. Game breeder license\$ 26.00
25 ~~r.~~ v. Taxidermy license\$ 26.00
26 ~~s.~~ w. Falconry license\$ 26.00
27 ~~t.~~ x. Wildlife habitat fee\$ 11.00
28 ~~u.~~ y. Migratory game bird fee\$ 8.00
29 ~~v.~~ Fishing license, three-day\$ 15.50
30 ~~w.~~ Wholesale bait dealer license\$250.00
31 ~~or the~~ amount for the same type of
32 ~~license in the nonresident's state,~~
33 ~~whichever is greater~~
34 ~~x.~~ Fishing license, one day\$ 8.50
35 ~~y.~~ z. Boundary waters sport trotline

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1 license, annual\$ 40.50
 2 Sec. 6. Section 483A.3, Code 2011, is amended to read as
 3 follows:
 4 **483A.3 Wildlife habitat fee.**
 5 1. a. A resident or nonresident person required to have
 6 a hunting or fur harvester license shall not hunt or trap
 7 unless the person ~~has paid~~ purchases a hunting or fur harvester
 8 license that includes the wildlife habitat fee. ~~This section~~
 9 ~~shall not apply to residents~~
 10 b. Residents who have permanent disabilities or who are
 11 younger than sixteen or older than sixty-five years of age
 12 may purchase a hunting or fur harvester license that does not
 13 include the wildlife habitat fee. ~~Wildlife~~
 14 c. Eleven dollars of the fee paid for each resident or
 15 nonresident hunting or fur harvester license that includes the
 16 wildlife habitat fee shall be designated as a wildlife habitat
 17 fee.
 18 d. All wildlife habitat fees shall be administered in
 19 the same manner as hunting and fur harvester licenses except
 20 all revenue derived from wildlife habitat fees shall be used
 21 within the state of Iowa for habitat development and shall be
 22 deposited in the state fish and game protection fund, except
 23 as provided in subsection 2. The revenue may be used for
 24 the matching of federal funds. The revenues and any matched
 25 federal funds shall be used for acquisition of land, leasing of
 26 land, or obtaining of easements from willing sellers for use as
 27 wildlife habitats. Notwithstanding the exemption provided by
 28 section 427.1, any land acquired with the revenues and matched
 29 federal funds shall be subject to the full consolidated levy
 30 of property taxes which shall be paid from those revenues.
 31 In addition the revenue may be used for the development and
 32 enhancement of wildlife lands and habitat areas.
 33 e. Not less than fifty percent of all revenue from wildlife
 34 habitat fees shall be used by the commission to enter into
 35 agreements with county conservation boards or other public

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1 agencies in order to carry out the purposes of this section.
 2 The state share of funding of those agreements provided
 3 by the revenue from wildlife habitat fees shall not exceed
 4 seventy-five percent.

5 2. Up to sixty percent of the revenues from wildlife
 6 habitat fees which are not required under subsection 1 to be
 7 used by the commission to enter into agreements with county
 8 conservation boards or other public agencies may be credited to
 9 the wildlife habitat bond fund as provided in section 483A.53.

10 3. Notwithstanding subsections 1 and 2, any increase in
 11 wildlife habitat fee revenues received on or after July 1,
 12 2007, pursuant to this section as a result of wildlife habitat
 13 fee increases pursuant to 2007 Iowa Acts, ch. 194, shall be
 14 used by the commission only for the purpose of the game bird
 15 habitat development program as provided in section 483A.3B.
 16 The commission shall not reduce on an annual basis for these
 17 purposes the amount of other funds being expended as of July
 18 1, 2007.

19 4. A three-year hunting license purchased pursuant to
 20 section 483A.1, subsection 1, paragraph "h", includes the
 21 payment of a wildlife habitat fee for each of the three years
 22 for which the license is valid and those fees shall be used as
 23 provided in this section.

24 Sec. 7. Section 483A.3A, Code 2011, is amended to read as
 25 follows:

26 **483A.3A Fish habitat development funding.**

27 Three dollars from each resident and nonresident annual and
 28 seven-day fishing license and nine dollars from each resident
 29 three-year fishing license sold shall be deposited in the
 30 state fish and game protection fund and shall be used within
 31 this state for fish habitat development. Not less than fifty
 32 percent of this amount shall be used by the commission to enter
 33 into agreements with county conservation boards to carry out
 34 the purposes of this section.

35 Sec. 8. Section 483A.7, subsection 1, Code 2011, is amended



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1 to read as follows:

2 1. A resident hunting wild turkey who is required to have
3 a license must ~~have~~ purchase a resident hunting license that
4 includes the wildlife habitat fee in addition to the wild
5 turkey hunting license ~~and must pay the wildlife habitat~~
6 ~~fee~~. Upon application and payment of the required fees for
7 archery-only licenses, a resident archer shall be issued two
8 wild turkey licenses for the spring season.

9 Sec. 9. Section 483A.7, subsection 3, Code 2011, is amended
10 to read as follows:

11 3. a. A nonresident wild turkey hunter is required to
12 ~~have~~ purchase a nonresident hunting license that includes the
13 wildlife habitat fee and a nonresident wild turkey hunting
14 license ~~and pay the wildlife habitat fee~~. The commission
15 shall annually limit to two thousand three hundred licenses
16 the number of nonresidents allowed to have wild turkey hunting
17 licenses. Of the two thousand three hundred licenses, one
18 hundred fifty licenses shall be valid for hunting with muzzle
19 loading shotguns only. The commission shall allocate the
20 nonresident wild turkey hunting licenses issued among the
21 zones based on the populations of wild turkey. A nonresident
22 applying for a wild turkey hunting license must exhibit proof
23 of having successfully completed a hunter safety and ethics
24 education program as provided in section 483A.27 or its
25 equivalent as determined by the department before the license
26 is issued.

27 b. The commission shall assign one preference point to a
28 nonresident whose application for a nonresident wild turkey
29 hunting license is denied due to limitations on the number
30 of nonresident wild turkey hunting licenses available for
31 issuance that year. An additional preference point shall be
32 assigned to that person each subsequent year the person's
33 license application is denied for that reason. A nonresident
34 may purchase additional preference points pursuant to section
35 483A.1, subsection 2, paragraph ~~"f"~~ "i". The first nonresident

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1 wild turkey hunting license drawing each year shall be made
 2 from the pool of applicants with the most preference points
 3 and continue to pools of applicants with successively fewer
 4 preference points until all available nonresident wild turkey
 5 hunting licenses have been issued. If a nonresident applicant
 6 receives a wild turkey hunting license, all of the applicant's
 7 assigned preference points at that time shall be removed.

8 Sec. 10. Section 483A.8, subsection 1, Code Supplement
 9 2011, is amended to read as follows:

10 1. A resident hunting deer who is required to have a hunting
 11 license must ~~have purchase~~ purchase a resident hunting license that
 12 includes the wildlife habitat fee, in addition to the deer
 13 hunting license ~~and must pay the wildlife habitat fee~~. In
 14 addition, a resident who purchases a deer hunting license shall
 15 pay a one dollar fee that shall be used and is appropriated
 16 for the purpose of deer herd population management, including
 17 assisting with the cost of processing deer donated to the help
 18 us stop hunger program administered by the commission.

19 Sec. 11. Section 483A.8, subsection 3, paragraphs a, b, and
 20 e, Code Supplement 2011, are amended to read as follows:

21 a. A nonresident hunting deer is required to ~~have purchase~~
 22 a nonresident hunting license that includes the wildlife
 23 habitat fee and a nonresident deer hunting license ~~and must~~
 24 ~~pay the wildlife habitat fee~~. In addition, a nonresident who
 25 purchases a deer hunting license shall pay a one dollar fee
 26 that shall be used and is appropriated for the purpose of deer
 27 herd population management, including assisting with the cost
 28 of processing deer donated to the help us stop hunger program
 29 administered by the commission.

30 b. A nonresident who purchases an antlered or any sex deer
 31 hunting license pursuant to section 483A.1, subsection 2,
 32 paragraph ~~"e"~~ "h", is required to purchase an antlerless deer
 33 only deer hunting license at the same time, pursuant to section
 34 483A.1, subsection 2, paragraph ~~"g"~~ "j".

35 e. The commission shall assign one preference point to a



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1 nonresident whose application for a nonresident antlered or any
 2 sex deer hunting license is denied due to limitations on the
 3 number of nonresident antlered or any sex deer hunting licenses
 4 available for issuance that year. An additional preference
 5 point shall be assigned to that person each subsequent year
 6 the person's license application is denied for that reason. A
 7 nonresident may purchase additional preference points pursuant
 8 to section 483A.1, subsection 2, paragraph ~~"f"~~ "i". The first
 9 nonresident antlered or any sex deer hunting license drawing
 10 each year shall be made from the pool of applicants with the
 11 most preference points and continue to pools of applicants
 12 with successively fewer preference points until all available
 13 nonresident antlered or any sex deer hunting licenses have been
 14 issued. If a nonresident applicant receives an antlered or
 15 any sex deer hunting license, all of the applicant's assigned
 16 preference points at that time shall be removed.

17 Sec. 12. Section 483A.8, subsection 6, Code Supplement
 18 2011, is amended to read as follows:

19 6. The commission shall provide by rule for the annual
 20 issuance to a nonresident of a nonresident antlerless deer
 21 hunting license that is valid for use only during the period
 22 beginning on December 24 and ending at sunset on January 2
 23 of the following year and costs seventy-five dollars. A
 24 nonresident hunting deer with a license issued under this
 25 subsection shall be otherwise qualified to hunt deer in this
 26 state and shall ~~have~~ purchase a nonresident hunting license,
 27 ~~pay that includes~~ the wildlife habitat fee, and pay the one
 28 dollar fee for the purpose of deer herd population management
 29 as provided in subsection 3. Pursuant to this subsection, the
 30 commission shall make available for issuance only the remaining
 31 nonresident antlerless deer hunting licenses allocated under
 32 subsection 3 that have not yet been issued for the current
 33 year's nonresident antlerless deer hunting seasons.

34 Sec. 13. Section 483A.8B, Code 2011, is amended to read as
 35 follows:

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1 **483A.8B Senior crossbow deer hunting licenses.**

2 1. A person who is a resident and who is seventy years
3 of age or older may be issued one special senior statewide
4 antlerless deer only crossbow deer hunting license to hunt deer
5 during bow season as established by rule by the commission. A
6 person who obtains a license to hunt deer under this section
7 is not required to pay the wildlife habitat fee but shall be
8 otherwise qualified to hunt deer in this state and shall ~~have~~
9 purchase a resident hunting license that does not include the
10 wildlife habitat fee.

11 2. A person may obtain a license under this section in
12 addition to a statewide antlered or any sex deer hunting bow
13 season license. Season dates, shooting hours, limits, license
14 quotas, and other regulations for this license shall be the
15 same as set forth by the commission by rule for bow season deer
16 hunts.

17 Sec. 14. Section 483A.8C, subsection 2, Code 2011, is
18 amended to read as follows:

19 2. A person who obtains a deer hunting license under this
20 section is not required to pay the wildlife habitat fee but
21 shall purchase a deer hunting license and hunting license
22 that does not include the wildlife habitat fee, be otherwise
23 qualified to hunt, and pay a one dollar fee that shall be used
24 and is appropriated for the purpose of deer herd population
25 management, including assisting with the cost of processing
26 deer donated to the help us stop hunger program administered
27 by the commission.

28 Sec. 15. Section 483A.9A, Code 2011, is amended by adding
29 the following new subsection:

30 NEW SUBSECTION. 3. The commission shall offer to residents
31 a combination package of an annual fishing license and an
32 annual hunting license, as provided in section 483A.1,
33 subsection 1, the cost of which includes the wildlife habitat
34 fee.

35 Sec. 16. Section 483A.17, Code 2011, is amended to read as



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1 Code section 481A.72 is amended to allow a person to use
2 three instead of two lines while fishing. Code section 483A.1
3 is amended to provide for the annual purchase of a third line
4 fishing permit costing \$10 by a resident or nonresident fisher.
5 Code section 483A.28 is amended to provide that a person who
6 fishes with a third line must annually purchase a third line
7 fishing permit.

8 Code section 483A.1 is also amended to provide for three
9 new license options for residents. A new three-year fishing
10 license is available for residents at a cost of \$51. Code
11 section 483A.3A is amended to specify that \$9 from each
12 three-year fishing license must be used for fish habitat
13 development.

14 A new three-year hunting license, including the wildlife
15 habitat fees, is available for \$84. Code section 483A.3 is
16 amended to specify that of the \$84 for this license, \$33 is
17 allocated to wildlife habitat fees.

18 A new annual combination hunting and fishing license,
19 including the wildlife habitat fee, is available for \$45. Code
20 section 483A.9A specifies that the package includes an annual
21 fishing license, an annual hunting license, and payment of the
22 wildlife habitat fee.

23 Changes are made to Code section 483A.1(1) to include
24 payment of the wildlife habitat fee in resident hunting and fur
25 harvester license fees. However, such licenses are available
26 without inclusion of the wildlife habitat fee for purchase by
27 residents who are permanently disabled, or are younger than 16
28 or older than 65 years of age and are not required to pay the
29 wildlife habitat fee. Code section 483A.1(2) is also amended
30 to include payment of the wildlife habitat fee in nonresident
31 hunting and fur harvester license fees.

32 Code section 483A.3 is amended to specify that \$11 of the fee
33 paid for each resident or nonresident hunting or fur harvester
34 license that includes the wildlife habitat fee is designated as
35 a wildlife habitat fee and shall be administered as a wildlife

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1 habitat fee.

2 Code section 483A.17 is amended to specify that a three-year
3 fishing license or a three-year hunting license is not subject
4 to the requirement that a license cannot be issued prior to
5 December 15 for the subsequent year.

6 Conforming changes regarding inclusion of the wildlife
7 habitat fee in hunting and fur harvester license fees are made
8 in other Code sections.

9 Technical changes are also made to Code section 483A.1 to
10 group similar types of licenses together and to insert a word
11 that was inadvertently deleted. Conforming changes were made
12 in Code sections 483A.7 and 483A.8.



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Senate File 2318 - Introduced

SENATE FILE 2318
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 2166)
(SUCCESSOR TO SSB 3056)

A BILL FOR

1 An Act relating to the Iowa health information network,
2 providing for fees, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 135.154, Code 2011, is amended by adding
 2 the following new subsections:

3 NEW SUBSECTION. 01. *"Advisory council"* means the electronic
 4 health information advisory council created in section 135.156.

5 NEW SUBSECTION. 001. *"Authorized"* means having met the
 6 requirements as a participant for access to and use of the Iowa
 7 health information network.

8 NEW SUBSECTION. 2A. *"Exchange"* means the authorized
 9 electronic sharing of health information between health care
 10 professionals, payors, consumers, public health agencies, the
 11 department, and other authorized participants utilizing the
 12 Iowa health information network and Iowa health information
 13 network services.

14 NEW SUBSECTION. 2B. *"Executive committee"* means the
 15 executive committee of the electronic health information
 16 advisory council created in section 135.156.

17 NEW SUBSECTION. 3A. *"Health information"* means health
 18 information as defined in 45 C.F.R. § 160.103 that is created
 19 or received by an authorized participant.

20 NEW SUBSECTION. 4A. *"Health Insurance Portability and*
 21 *Accountability Act"* means the federal Health Insurance
 22 Portability and Accountability Act of 1996, Pub. L. No.
 23 104-191, including amendments thereto and regulations
 24 promulgated thereunder.

25 NEW SUBSECTION. 4B. *"Hospital"* means licensed hospital as
 26 defined in section 135B.1.

27 NEW SUBSECTION. 4C. *"Individually identifiable health*
 28 *information"* means individually identifiable health information
 29 as defined in 45 C.F.R. § 160.103 that is created or received
 30 by an authorized participant.

31 NEW SUBSECTION. 5A. *"Iowa health information network"* or
 32 *"network"* means the statewide health information technology
 33 network created in this division.

34 NEW SUBSECTION. 5B. *"Iowa Medicaid enterprise"* means the
 35 Iowa Medicaid enterprise as defined in section 249J.3.



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1 NEW SUBSECTION. 5C. "*Participant*" means an authorized
2 health care professional, payor, patient, health care
3 organization, public health agency, or the department that
4 has agreed to authorize, submit, access, or disclose health
5 information through the Iowa health information network in
6 accordance with this chapter and all applicable laws, rules,
7 agreements, policies, and standards.

8 NEW SUBSECTION. 5D. "*Patient*" means a person who has
9 received or is receiving health services from a health care
10 professional.

11 NEW SUBSECTION. 5E. "*Payor*" means a person who makes
12 payments for health services, including but not limited to an
13 insurance company, self-insured employer, government program,
14 individual, or other purchaser that makes such payments.

15 NEW SUBSECTION. 5F. "*Protected health information*" means
16 protected health information as defined in 45 C.F.R. § 160.103
17 that is created or received by an authorized participant.

18 NEW SUBSECTION. 5G. "*Public health agency*" means an
19 entity that is governed by or contractually responsible to a
20 local board of health or the department to provide services
21 focused on the health status of population groups and their
22 environments.

23 NEW SUBSECTION. 5H. "*Purchaser*" means any individual,
24 employer, or organization that purchases health insurance or
25 services and includes intermediaries.

26 Sec. 2. Section 135.155, subsection 2, unnumbered paragraph
27 1, Code 2011, is amended to read as follows:

28 To be effective, the Iowa health information technology
29 ~~system network~~ shall comply with all of the following
30 principles:

31 Sec. 3. Section 135.155, subsection 3, Code 2011, is amended
32 to read as follows:

33 3. Widespread adoption of health information technology is
34 critical to a successful Iowa health information technology
35 ~~system network~~ and is best achieved when all of the following



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1 Sec. 5. Section 135.156, subsection 1, paragraphs a and b,
2 Code Supplement 2011, are amended to read as follows:

3 a. The department shall direct a public and private
4 collaborative effort to promote the adoption and use of health
5 information technology in this state in order to improve
6 health care quality, increase patient safety, reduce health
7 care costs, enhance public health, and empower individuals
8 and health care professionals with comprehensive, real-time
9 medical information to provide continuity of care and make
10 the best health care decisions. The department shall provide
11 coordination for the development and implementation of an
12 interoperable electronic health records system, telehealth
13 expansion efforts, the health information technology
14 infrastructure, the Iowa health information network, and other
15 health information technology initiatives in this state.
16 The department shall be guided by the principles and goals
17 specified in section 135.155 and the findings and intent
18 specified for an Iowa health information network in section
19 135.155A.

20 b. All health information technology efforts shall endeavor
21 to represent the interests and meet the needs of consumers and
22 the health care sector, protect the privacy of individuals
23 and the confidentiality of individuals' information, promote
24 physician best practices, and make information easily
25 accessible to the appropriate parties. The ~~system~~ network
26 developed shall be consumer-driven, flexible, and expandable.

27 Sec. 6. Section 135.156, subsection 2, paragraph a, Code
28 Supplement 2011, is amended to read as follows:

29 a. An electronic health information advisory council is
30 established which shall consist of the representatives of
31 entities involved in the electronic health records system task
32 force established pursuant to section 217.41A, Code 2007, a
33 pharmacist, a licensed practicing physician, a consumer who
34 is a member of the state board of health, a representative
35 of the state's Medicare quality improvement organization,



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1 the executive director of the Iowa communications network, a
 2 representative of the private telecommunications industry, a
 3 representative of the Iowa collaborative safety net provider
 4 network created in section 135.153, a nurse informaticist from
 5 the university of Iowa, and any other members the department
 6 or executive committee of the advisory council determines
 7 necessary and appoints to assist the department or executive
 8 committee at various stages of development of the ~~electronic~~
 9 Iowa health information system network. Executive branch
 10 agencies shall also be included as necessary to assist in the
 11 duties of the department and the executive committee. Public
 12 members of the advisory council shall receive reimbursement
 13 for actual expenses incurred while serving in their official
 14 capacity only if they are not eligible for reimbursement by
 15 the organization that they represent. Any legislative members
 16 shall be paid the per diem and expenses specified in section
 17 2.10.

18 Sec. 7. Section 135.156, subsection 3, paragraph a,
 19 subparagraphs (6) and (10), Code Supplement 2011, are amended
 20 to read as follows:

21 (6) Policies relating to governance of the various facets of
 22 the Iowa health information ~~technology system~~ network.

23 (10) Economic incentives and support to facilitate
 24 participation in an interoperable ~~system~~ network by health care
 25 professionals.

26 Sec. 8. Section 135.156, subsection 3, paragraph c,
 27 unnumbered paragraph 1, Code Supplement 2011, is amended to
 28 read as follows:

29 Coordinate public and private efforts to provide the
 30 network backbone infrastructure for the Iowa health information
 31 ~~technology system~~ network. In coordinating these efforts, the
 32 executive committee shall do all of the following:

33 Sec. 9. Section 135.156, subsection 3, paragraphs h and i,
 34 Code Supplement 2011, are amended to read as follows:

35 *h.* Seek and apply for any federal or private funding to



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1 assist in the implementation and support of the Iowa health
2 information ~~technology system~~ network and make recommendations
3 for funding mechanisms for the ongoing development and
4 maintenance costs of the Iowa health information ~~technology~~
5 system network.

6 *i.* Identify state laws and rules that present barriers
7 to the development of the Iowa health information ~~technology~~
8 system network and recommend any changes to the governor and
9 the general assembly.

10 **Sec. 10. NEW SECTION. 135.156A Iowa health information**
11 **network — business and financial sustainability plan and**
12 **participant fees.**

13 1. The board, with the support of the department and
14 the advice of the executive committee and advisory council,
15 shall establish and annually review and update a business and
16 financial sustainability plan for the Iowa health information
17 network. The plan shall include fees to be paid to the
18 department by participants who choose to access and use the
19 Iowa health information network. The participant fee schedule
20 shall be structured using fair share, value-based principles.

21 2. The department shall update and submit a financial model,
22 including fee schedule, revenue and expense projections, and a
23 budget, to the executive committee and the board for approval
24 on an annual basis.

25 **Sec. 11. NEW SECTION. 135.156B Iowa health information**
26 **network — duties of the department.**

27 The department shall do all of the following:

28 1. Develop, implement, and enforce the following, as
29 approved by the board:

30 *a.* Strategic, operational, and business and financial
31 sustainability plans for the Iowa health information network.

32 *b.* Standards, requirements, policies, and procedures for
33 access to and use, secondary use, and privacy and security
34 of health information exchanged through the Iowa health
35 information network, consistent with applicable federal and



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1 state standards and laws.

2 *c.* Rules, policies, and procedures for monitoring
3 participant usage of the Iowa health information network and
4 enforcing compliance with applicable standards, requirements,
5 policies, rules, and procedures.

6 *d.* Policies and procedures for administering the
7 infrastructure, technology, and associated professional
8 services required for operation of the Iowa health information
9 network and the provision of services through the Iowa health
10 information network.

11 *e.* An annual budget and fiscal report for the business and
12 technical operations of the Iowa health information network
13 and an annual report for the Iowa health information network
14 and the services provided through the Iowa health information
15 network.

16 2. Provide human resources, budgeting, project and activity
17 coordination, and related management functions to the Iowa
18 health information network and the services provided through
19 the Iowa health information network.

20 3. Enter into participation agreements with participants in
21 the Iowa health information network.

22 4. Collect participant fees, record receipts and approvals
23 of payments, and file required financial reports.

24 5. Apply for, acquire by gift or purchase, and hold,
25 dispense, or dispose of funds and real or personal property
26 from any person, governmental entity, or organization in
27 the exercise of its powers or performance of its duties in
28 accordance with this division.

29 6. Select and contract with vendors of goods and services in
30 compliance with all applicable state and federal procurement
31 laws and regulations.

32 7. Work to align interstate and intrastate interoperability
33 standards in accordance with national health information
34 exchange standards.

35 8. Execute all instruments necessary or incidental to the

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1 performance of its duties and the execution of its powers under
 2 this division.

3 Sec. 12. NEW SECTION. 135.156C Iowa health information
 4 network fund.

5 1. The Iowa health information network fund is created as a
 6 separate fund within the state treasury under the control of
 7 the board. Revenues, donations, gifts, interest, participant
 8 fees, and other moneys received or generated relative to the
 9 operation and administration of the Iowa health information
 10 network shall be deposited in the fund.

11 2. Moneys in the fund are appropriated to and shall be
 12 expended by the department only for activities and operations
 13 suitable to the performance of the department's duties,
 14 subject to executive committee review and board approval.
 15 Disbursements may be made from the fund for purposes related
 16 to the administration, management, operations, functions,
 17 activities, or sustainability of the Iowa health information
 18 network.

19 3. Notwithstanding section 12C.7, subsection 2, earnings
 20 or interest on moneys deposited in the fund shall be credited
 21 to the fund. Moneys in the fund at the end of each fiscal year
 22 shall not revert to another fund but shall remain in the fund
 23 for expenditure in subsequent fiscal years.

24 4. The moneys in the fund shall be subject to financial and
 25 compliance audits by the auditor of state.

26 Sec. 13. NEW SECTION. 135.156D Technical infrastructure.

27 1. The Iowa health information network shall provide a
 28 mechanism to facilitate and support the secure electronic
 29 exchange of health information between participants.

30 2. The Iowa health information network shall not function as
 31 a central repository of all health information.

32 3. The Iowa health information network shall provide a
 33 mechanism for participants without an electronic health records
 34 system to access health information from the Iowa health
 35 information network.

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1 Sec. 14. NEW SECTION. 135.156E Legal and policy.
2 1. Upon approval from the board, the department shall
3 implement appropriate security standards, policies, and
4 procedures to protect the transmission and receipt of
5 protected health information exchanged through the Iowa health
6 information network, which shall, at a minimum, comply with the
7 Health Insurance Portability and Accountability Act security
8 rule pursuant to 45 C.F.R. pt. 164, subpt. C, and shall reflect
9 all of the following:
10 *a.* Include authorization controls, including the
11 responsibility to authorize, maintain, and terminate a
12 participant's use of the Iowa health information network.
13 *b.* Require authentication controls to verify the identify
14 and role of the participant using the Iowa health information
15 network.
16 *c.* Include role-based access controls to restrict
17 functionality and information available through the Iowa health
18 information network.
19 *d.* Include a secure and traceable electronic audit system
20 to document and monitor the sender and the recipient of health
21 information exchanged through the Iowa health information
22 network.
23 *e.* Require standard participation agreements which
24 define the minimum privacy and security obligations of all
25 participants using the Iowa health information network and
26 services available through the Iowa health information network.
27 *f.* Include controls over access to and the collection,
28 organization, and maintenance of records and data for
29 purposes of research or population health that protect the
30 confidentiality of consumers who are the subject of the health
31 information.
32 2. A patient shall have the opportunity to decline exchange
33 of the patient's health information through the Iowa health
34 information network. A patient shall not be denied care or
35 treatment for declining to exchange the patient's health



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1 information, in whole or in part, through the Iowa health
2 information network. The board shall provide by rule the means
3 and process by which patients may decline participation. The
4 means and process utilized under the rules shall minimize the
5 burden on patients and health care professionals.

6 3. Unless otherwise authorized by law or rule, a patient's
7 decision to decline participation means that none of the
8 patient's health information shall be accessible through the
9 record locator service function of the Iowa health information
10 network. A patient's decision to decline having health
11 information shared through the record locator service function
12 shall not limit a health care professional with whom the
13 patient has or is considering a treatment relationship from
14 sharing health information concerning the patient through
15 the secure messaging function of the Iowa health information
16 network.

17 4. A patient who declines participation in the Iowa health
18 information network may later decide to have health information
19 shared through the Iowa health information network. A patient
20 who is participating in the Iowa health information network may
21 later decline participation in the network.

22 5. A participant shall not release or use protected health
23 information exchanged through the Iowa health information
24 network for purposes unrelated to prevention, treatment,
25 payment, or health care operations unless otherwise authorized
26 or required by state or federal law. Participants shall
27 limit the use and disclosure of protected health information
28 for payment or health care operations to the minimum amount
29 required to accomplish the intended purpose of the use or
30 request, in compliance with the Health Insurance Portability
31 and Accountability Act and other applicable state or federal
32 law. Use or distribution of the information for a marketing
33 purpose, as defined by the Health Insurance Portability and
34 Accountability Act, is strictly prohibited.

35 6. The department and all persons using the Iowa health

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1 information network are individually responsible for following
2 breach notification policies as provided by the Health
3 Insurance Portability and Accountability Act.

4 7. A participant shall not be compelled by subpoena, court
5 order, or other process of law to access health information
6 through the Iowa health information network in order to gather
7 records or information not created by the participant.

8 8. All participants exchanging health information and data
9 through the Iowa health information network shall grant to
10 other participants of the network a nonexclusive license to
11 retrieve and use that information in accordance with applicable
12 state and federal laws, and the policies, standards, and rules
13 established by the board.

14 9. The board shall establish by rule the procedures for a
15 patient who is the subject of health information to do all of
16 the following:

17 a. Receive notice of a violation of the confidentiality
18 provisions required under this division.

19 b. Upon request to the department, view an audit report
20 created under this division for the purpose of monitoring
21 access to the patient's health care information.

22 10. A health care professional who relies reasonably and
23 in good faith upon any health information provided through
24 the Iowa health information network in treatment of a patient
25 who is the subject of the health information shall be immune
26 from criminal or civil liability arising from any damages
27 caused by such reasonable, good-faith reliance. Such immunity
28 shall not apply to acts or omissions constituting negligence,
29 recklessness, or intentional misconduct.

30 11. A participant that has disclosed health information
31 through the Iowa health information network in compliance with
32 applicable law and the standards, requirements, policies,
33 procedures, and agreements of the network shall not be subject
34 to criminal or civil liability for the use or disclosure of the
35 health information by another participant.

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1 12. Notwithstanding chapter 22, the following records shall
 2 be kept confidential, unless otherwise ordered by a court or
 3 consented to by the patient or by a person duly authorized to
 4 release such information:

5 a. The protected health information contained in, stored in,
 6 submitted to, transferred or exchanged by, or released from the
 7 Iowa health information network.

8 b. Any protected health information in the possession of
 9 the department due to its administration of the Iowa health
 10 information network.

11 13. Unless otherwise provided in this division, when
 12 using the Iowa health information network or a private health
 13 information network maintained in this state that complies
 14 with the privacy and security requirements of this chapter for
 15 the purposes of patient treatment, a health care professional
 16 or a hospital is exempt from any other state law that is
 17 more restrictive than the Health Insurance Portability and
 18 Accountability Act that would otherwise prevent or hinder the
 19 exchange of patient information by the patient's health care
 20 professional or hospital.

21 Sec. 15. NEW SECTION. 135.156F **Governance review.**

22 1. The governance structure as provided in this division
 23 consisting of the department acting on behalf of the board
 24 subject to executive committee review and board approval shall
 25 continue during the term of the state health information
 26 exchange cooperative agreement between the department and the
 27 office of the national coordinator for health information
 28 technology to address the development of standards, policies,
 29 and procedures; dissemination of interoperability standards;
 30 the installation, testing, and operation of the Iowa health
 31 information network infrastructure; and the evolution of Iowa
 32 health information network services to improve patient care for
 33 the population.

34 2. During the final year of the term of the cooperative
 35 agreement, the executive committee and the department shall



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1 electronic sharing of health information. The bill provides
2 that it is the intent of the general assembly to establish
3 a statewide Iowa health information network, which is not
4 to constitute a health benefit network or health insurance
5 network; and is not to preclude the formation and operation
6 of regional, population-specific, or local health information
7 networks or their participation in the statewide network.

8 The bill provides that the state board of health (board),
9 with the support of the department of public health and the
10 advice of the existing electronic health information executive
11 committee and advisory council, is to establish and annually
12 review and update a business and financial sustainability
13 plan for the network. The plan shall include fees to be paid
14 by participants who access and use the network. The fee
15 schedule is to be structured using fair share and value-based
16 principles. The department is directed to update and submit
17 a financial model to the executive committee and the board
18 annually.

19 The bill specifies the duties of the department in the
20 day-to-day operations of the Iowa health information network.

21 The bill provides for the creation of a separate Iowa
22 health information network fund within the state treasury
23 under the control of the board. All revenues, donations,
24 gifts, interest, participant fees, and other moneys received or
25 generated relative to the network are to be deposited in the
26 fund. Moneys in the fund are appropriated to and are only to
27 be expended by the department on activities and operations of
28 the Iowa health information network, subject to board approval.
29 Moneys in the fund at the end of each fiscal year remain in the
30 fund. The fund is subject to financial and compliance audits
31 by the auditor of state.

32 The bill provides for the technical infrastructure of
33 the network. The network is to provide a mechanism to
34 facilitate and support the secure exchange of electronic health
35 information. The network is not to function as a central

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1 repository of all health information, and is to provide a means
2 for participants without an electronic health record system to
3 access health information through the network.

4 The bill includes provisions relating to the legal and
5 policy aspects of the network. The bill authorizes the
6 department, with approval from the board, to develop security
7 standards, policies, and procedures to protect the transmission
8 and receipt of individually identifiable health information
9 shared through the network. These include: authorization
10 and authentication controls, role-based access, a secure and
11 traceable electronic audit system, use of participant and
12 data-sharing agreements, and controls over access, collection,
13 and maintenance of health information. These provisions
14 specify a patient's choice of participation in the Iowa
15 health information network, and the requirements for sharing
16 information in accordance with all other applicable state
17 and federal laws, including the federal Health Insurance
18 Portability and Accountability Act.

19 The bill provides that the governance structure as provided
20 in the bill consisting of the department acting on behalf
21 of the board, subject to executive committee review and
22 board approval, is to continue during the term of the state
23 health information exchange cooperative agreement between
24 the department and the office of the national coordinator
25 for health information technology to address the development
26 of standards, policies, and procedures; dissemination of
27 interoperability standards; the installation, testing, and
28 operation of the network infrastructure; and the evolution of
29 health information network services to improve patient care
30 for the population. During the final year of the term of the
31 cooperative agreement (March 2014), the executive committee and
32 the department are directed to review the governance structure,
33 operations of the network, and the business and financial
34 sustainability plan, and make recommendations to the board
35 regarding the future governance of the network.

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1 The bill directs the state board of health to adopt
2 rules within 12 months of the effective date of the bill to
3 provide the means and process by which patients may decline
4 participation in the network including health information
5 association with a specific visit.

6 The bill also directs the department of public health to
7 review the potential use, release, or disclosure of protected
8 health information for purposes of research and to submit
9 findings and recommendations to the general assembly within 12
10 months of the effective date of the bill.

11 The bill takes effect upon enactment.



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Senate File 2319 - Introduced

SENATE FILE 2319
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SSB 3046)

A BILL FOR

1 An Act relating to the property tax assessments of certain
2 rental property for low-income and moderate income
3 residents.

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

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1 Section 1. Section 441.21, subsection 2, Code Supplement
 2 2011, is amended to read as follows:
 3 2. In the event market value of the property being assessed
 4 cannot be readily established in the foregoing manner, then
 5 the assessor may determine the value of the property using the
 6 other uniform and recognized appraisal methods including its
 7 productive and earning capacity, if any, industrial conditions,
 8 its cost, physical and functional depreciation and obsolescence
 9 and replacement cost, and all other factors which would assist
 10 in determining the fair and reasonable market value of the
 11 property but the actual value shall not be determined by use
 12 of only one such factor. The following shall not be taken into
 13 consideration: Special value or use value of the property to
 14 its present owner, and the goodwill or value of a business
 15 which uses the property as distinguished from the value of the
 16 property as property. However, in assessing property that
 17 is rented or leased to low-income individuals and families
 18 pursuant to criteria of the HOME investment partnerships
 19 program of the federal National Affordable Housing Act of
 20 1990 or as authorized by section 42 of the Internal Revenue
 21 Code, as amended, and which ~~section~~ limits the amount that the
 22 individual or family pays for the rental or lease of units
 23 in the property, the assessor shall use the productive and
 24 earning capacity from the actual rents received as a method of
 25 appraisal and shall take into account the extent to which that
 26 use and limitation reduces the market value of the property.
 27 The assessor shall not consider any tax credit equity or other
 28 subsidized financing as income provided to the property in
 29 determining the assessed value. The property owner shall
 30 notify the assessor when property is withdrawn from the federal
 31 HOME investment partnership program eligibility or section 42
 32 eligibility under the Internal Revenue Code. The property
 33 shall not be subject to ~~section 42~~ such assessment procedures
 34 for the assessment year for which ~~section 42~~ eligibility is
 35 withdrawn. This notification must be provided to the assessor

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Senate File 2320 - Introduced

SENATE FILE 2320
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SSB 3045)

A BILL FOR

1 An Act relating to the administration of the streamlined sales
2 tax agreement by the department of revenue.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5302SV (2) 84
mm/sc



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1 Section 1. Section 423.1, subsection 51, paragraph a,
 2 subparagraph (2), Code Supplement 2011, is amended to read as
 3 follows:

4 (2) The cost of materials used, labor or service cost,
 5 interest, losses, all costs of transportation to the seller,
 6 all taxes imposed on the seller except as provided in paragraph
 7 "b", subparagraphs (5) and (6), and any other expenses of the
 8 seller.

9 Sec. 2. Section 423.1, subsection 51, paragraph b, Code
 10 Supplement 2011, is amended by adding the following new
 11 subparagraphs:

12 NEW SUBPARAGRAPH. (5) Any state or local tax on a retail
 13 sale that is imposed on the seller if the statute, rule, or
 14 local ordinance imposing the tax provides that the seller may,
 15 but is not required to, collect such tax from the consumer, and
 16 if the tax is separately stated on the invoice, bill of sale,
 17 or similar document given to the purchaser.

18 NEW SUBPARAGRAPH. (6) Any tribal tax on a retail sale that
 19 is imposed on the seller if the tribal law imposing the tax
 20 provides that the seller may but is not required to collect
 21 such tax from the consumer, and if the tax is separately stated
 22 on the invoice, bill of sale, or similar document given to the
 23 purchaser.

24 Sec. 3. Section 423.31, Code 2011, is amended by adding the
 25 following new subsection:

26 NEW SUBSECTION. 8. Persons required to file a return under
 27 this section may instead file a simplified electronic return
 28 pursuant to section 423.49.

29 Sec. 4. Section 423.49, subsection 4, paragraph d, Code
 30 2011, is amended to read as follows:

31 d. A model 4 seller, or a seller not registered under the
 32 agreement who is otherwise registered in the state, may elect
 33 to file a simplified return. Model 4 sellers, or sellers not
 34 registered under the agreement who are otherwise registered in
 35 the state, electing to do so shall file the first part of the

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1 seller if by law the seller may but is not required to collect
2 the tax from the consumer, and if the tax is separately stated
3 on the invoice, bill of sale, or similar document given to the
4 purchaser.

5 The bill further amends the definition of "sales price" to
6 exclude any tribal tax on a retail sale that is imposed on the
7 seller if by law the seller may but is not required to collect
8 such tax from the consumer, and if the tax is separately stated
9 on the invoice, bill of sale, or similar document given to the
10 purchaser.

11 The bill allows sellers that have not registered under the
12 streamlined sales and use tax agreement but that are otherwise
13 registered in the state and required to file sales tax returns
14 to elect to file using the simplified electronic return.

15 The bill amends Code section 423.52 relating to liability
16 relief for sellers and certified service providers. Under
17 current law, relief from liability is granted to sellers and
18 certified service providers who charge incorrect sales and
19 use tax after relying on erroneous tax rate, boundary, or
20 jurisdiction data provided by the state in databases derived
21 from zip codes or addresses. However, the state may deny
22 liability relief to a seller or certified service provider for
23 reliance on either database as long as the state maintains an
24 address-based system for assigning taxing jurisdictions, and
25 provides adequate notice to the affected parties. The bill
26 provides that if the state maintains an address-based system
27 for assigning taxing jurisdictions, it may only deny liability
28 relief to sellers and certified service providers for errors
29 resulting from the seller's or certified service provider's
30 reliance on a database derived from zip codes.