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2009 SUMMARY OF LEGISLATION IOWA GENERAL ASSEMBLY LEGISLATIVE SERVICES AGENCY REGULAR SESSION

**SUMMARY OF LEGISLATION
ENACTED IN THE YEAR 2009 BY THE FIRST REGULAR SESSION
OF THE EIGHTY-THIRD GENERAL ASSEMBLY**

Prepared by the Legislative Services Agency

PURPOSE

This summary of legislation enacted by the 2009 General Assembly has been prepared for the use of legislators and other interested parties. The summary of each legislative enactment has been assigned to a major subject category. This compilation provides interested persons with quick reference to legislation enacted in specific areas and generally informs persons of the contents and effective date of the legislation.

HOW TO FIND A SUMMARY

If you know the original file number of a particular bill, you may refer to the charts on pages v through ix to locate the category in which the summary will be found. Otherwise, each subject category begins with a table of contents listing the file number and the chapter title from the 2009 Iowa Acts and a listing of related legislation directing the reader to the category in which the summary is located and briefly explaining how the category at hand is related.

EFFECTIVE DATE

The effective date of the legislative enactments is July 1, 2009, unless otherwise specified in an individual summary.

FISCAL ANALYSIS

The Internet version of this summary of legislation provides links to fiscal information for certain legislation. Legislation linked to such information contains the words "Fiscal Analysis" following the title of the legislation.

FISCAL YEAR

For purposes of this summary of legislation, "fiscal year 2009-2010," "FY 2009-2010," and "FY 2010" for example, all describe the fiscal year beginning July 1, 2009, and ending June 30, 2010.

VETOED BILLS

Bills vetoed by the Governor are included and noted in this summary. Item vetoes by the Governor are specified in their particular summary.

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LOCATION OF SUMMARIES BY FILE NUMBER

Senate Files

<u>Number</u>	<u>Major Subject</u>
SF 27	Criminal Law, Procedure, and Corrections
SF 43	Taxation
SF 44	Taxation
SF 45	Local Government
SF 49	Elections, Ethics, and Campaign Finance
SF 50	Elections, Ethics, and Campaign Finance
SF 51	Elections, Ethics, and Campaign Finance
SF 52	Elections, Ethics, and Campaign Finance
SF 81	Education
SF 82	Labor and Employment
SF 98	State Government
SF 101	Children and Youth
SF 108	State Government
SF 112	Public Defense and Veterans
SF 114	Economic Development
SF 118	Civil Law, Procedure, and Court Administration
SF 137	Labor and Employment
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SF 150	Civil Law, Procedure, and Court Administration
SF 151	Transportation
SF 152	Children and Youth
SF 154	Health and Safety
SF 159	State Government
SF 176	Business, Banking, and Insurance
SF 177	Education
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SF 197	Labor and Employment
SF 199	Civil Law, Procedure, and Court Administration
SF 203	Health and Safety
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SF 218	Education
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SF 226	State Government
SF 236	Human Services
SF 237	State Government
SF 241	Public Defense and Veterans
SF 253	Taxation
SF 254	Public Defense and Veterans
SF 268	Environmental Protection
SF 270	Education
SF 279	Energy and Public Utilities
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SF 289	Economic Development
SF 291	Local Government
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SF 304	Economic Development
SF 305	Gaming

LOCATION OF SUMMARIES BY FILE NUMBER

<u>Number</u>	<u>Major Subject</u>
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SF 318	Labor and Employment
SF 319	Human Services
SF 320	Civil Law, Procedure, and Court Administration
SF 322	Taxation
SF 328	Environmental Protection
SF 334	State Government
SF 336	Economic Development
SF 339	Environmental Protection
SF 340	Criminal Law, Procedure, and Corrections
SF 342	Agriculture
SF 344	Economic Development
SF 355	Business, Banking, and Insurance
SF 356	Transportation
SF 360	Education
SF 364	Civil Law, Procedure, and Court Administration
SF 365	Civil Law, Procedure, and Court Administration
SF 366	Children and Youth
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SF 376	Economic Development
SF 377	Health and Safety
SF 379	Business, Banking, and Insurance
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SF 389	Health and Safety
SF 403	Alcohol Regulation and Substance Abuse
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SF 419	Transportation
SF 420	Alcohol Regulation and Substance Abuse
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SF 433	Health and Safety
SF 435	Business, Banking, and Insurance
SF 436	Elections, Ethics, and Campaign Finance
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SF 438	Human Services
SF 440	Health and Safety
SF 441	Local Government
SF 445	Education
SF 446	State Government
SF 447	Alcohol Regulation and Substance Abuse
SF 449	State Government
SF 451	Public Defense and Veterans
SF 452	Energy and Public Utilities
SF 456	Taxation
SF 457	Local Government
SF 465	Local Government
SF 467	Appropriations
SF 469	Appropriations
SF 470	Appropriations
SF 471	Energy and Public Utilities
SF 472	Appropriations
SF 474	Education
SF 475	Appropriations

LOCATION OF SUMMARIES BY FILE NUMBER

<u>Number</u>	<u>Major Subject</u>
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<u>SF 477</u>	Appropriations
<u>SF 478</u>	Appropriations
<u>SF 480</u>	Economic Development
<u>SF 481</u>	Taxation
<u>SF 482</u>	Labor and Employment
<u>SF 483</u>	Taxation
<u>SF 484</u>	Health and Safety

LOCATION OF SUMMARIES BY FILE NUMBER House Files

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HF 64	Appropriations
HF 122	Health and Safety
HF 180	Business, Banking, and Insurance
HF 214	Public Defense and Veterans
HF 233	Education
HF 243	Local Government
HF 256	Taxation
HF 260	Local Government
HF 266	Civil Law, Procedure, and Court Administration
HF 278	Alcohol Regulation and Substance Abuse
HF 281	Environmental Protection
HF 283	Public Defense and Veterans
HF 311	Business, Banking, and Insurance
HF 314	Health and Safety
HF 315	Children and Youth
HF 317	Human Services
HF 321	Transportation
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HF 450	Elections, Ethics, and Campaign Finance
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HF 477	Taxation
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HF 481	Transportation
HF 488	Health and Safety
HF 496	Local Government
HF 503	Public Defense and Veterans
HF 505	Public Defense and Veterans
HF 552	Local Government
HF 562	Children and Youth
HF 618	Labor and Employment
HF 670	Elections, Ethics, and Campaign Finance
HF 671	Local Government
HF 672	Human Services
HF 676	Civil Law, Procedure, and Court Administration
HF 684	Energy and Public Utilities
HF 687	Education
HF 697	Criminal Law, Procedure, and Corrections
HF 705	State Government
HF 706	Public Defense and Veterans
HF 707	State Government
HF 708	Elections, Ethics, and Campaign Finance
HF 710	Agriculture
HF 712	Civil Law, Procedure, and Court Administration
HF 720	Labor and Employment
HF 722	Natural Resources and Outdoor Recreation
HF 723	Business, Banking, and Insurance

LOCATION OF SUMMARIES BY FILE NUMBER

<u>Number</u>	<u>Major Subject</u>
HF 735	Agriculture
HF 756	Natural Resources and Outdoor Recreation
HF 759	Local Government
HF 762	Criminal Law, Procedure, and Corrections
HF 776	Elections, Ethics, and Campaign Finance
HF 805	Appropriations
HF 809	Appropriations
HF 810	Energy and Public Utilities
HF 811	Appropriations
HF 815	Education
HF 817	Economic Development
HF 820	Appropriations
HF 822	Appropriations
HF 826	Environmental Protection

House Joint Resolutions

<u>Number</u>	<u>Major Subject</u>
HJR 1	Natural Resources and Outdoor Recreation

AGRICULTURE

- [SENATE FILE 342](#) - Soybean and Corn Promotion Organizations — Boards of Directors
- [SENATE FILE 405](#) - Disposal of Animal Bodies
- [SENATE FILE 423](#) - Dispensing of Ethanol Blended Gasoline
- [SENATE FILE 432](#) - Regulation of Animal Feeding Operations
- [HOUSE FILE 374](#) - Grain Depositors and Sellers Indemnity Fund — Fees and Claims
- [HOUSE FILE 710](#) - Agricultural Development Authority Operations — Reporting
- [HOUSE FILE 735](#) - Confinement Feeding Operations — Stockpiling Dry Manure

RELATED LEGISLATION

- [SENATE FILE 268](#) - Local Watershed Improvement Grants — Extensions
SEE ENVIRONMENTAL PROTECTION. This Act increases the period for use of funds from the Watershed Improvement Fund to award grants to support local watershed improvement projects.
- [SENATE FILE 437](#) - Local Government — Public Records and Meetings — Pioneer Cemeteries
SEE LOCAL GOVERNMENT. This Act, in part, expressly provides that the governing body of a drainage or levee district is subject to the open meetings and open records requirements of Code Chapters 21 and 22. The Act also increases the maximum number of burials in a cemetery from 6 to 12 conducted within the preceding 50 years to be classified as a pioneer cemetery. A pioneer cemetery is not subject to separation distance requirements otherwise benefiting cemeteries in proximity to a confinement feeding operation (Code Section 459.202).
- [SENATE FILE 449](#) - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities in provisions relating to agricultural landholding; regulation of the practice of veterinary medicine; the Renewable Fuels and Coproducts Advisory Committee; agrichemical remediation; drainage districts; regulation of animal diseases and standards of care; farmers' market nutrition programs; standards for frozen desserts, oleomargarine, and the storage and handling of anhydrous ammonia; the Grain Depositors and Sellers Indemnification Fund; commercial pesticide applicators; coal mining; tampering with product identification numbers on fence line feeders, grain carts, and tank wagons; and agricultural product warehouses.
- [SENATE FILE 467](#) - Appropriations – Agriculture and Natural Resources
SEE APPROPRIATIONS. This Act relates to agriculture and natural resources by making appropriations for FY 2009-2010 to support related entities, including the Department of Agriculture and Land Stewardship. The Act appropriates moneys to the department to support the department's administration, regulation efforts, and a wide variety of programs, including soil conservation; and provides moneys to support specific programs or projects administered by the department from a number of sources, including the General Fund of the State, the Agricultural Remediation Fund, and the Environment First Fund.
- [SENATE FILE 478](#) - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act makes, reduces, and transfers appropriations;

provides salaries and compensation of state employees; and covers other properly related matters. The Act includes provisions relating to the sale of ethanol blended gasoline and biodiesel blended fuel, increasing penalties for violating certain agriculture fuel-related prohibitions, exempting farm employees from certain regulatory requirements, and repealing the livestock production tax credit.

[HOUSE FILE 481](#)

- Vehicles Hauling Distillers Grains — Excess Weight Allowance
SEE TRANSPORTATION. This Act provides a 25 percent weight allowance for a special truck used for farming when the special truck is hauling a load of distillers grains.

[HOUSE FILE 756](#)

- Watershed, Land Use, and Floodplain Management
SEE NATURAL RESOURCES AND OUTDOOR RECREATION. This Act provides for regional watershed, land use, and floodplain management policies, by in part establishing a Mississippi River Partnership Council to promote the preservation, enhancement, and intelligent use of the Mississippi River; and providing for the management of watersheds by the Watershed Improvement Review Board and the Water Resources Coordinating Council.

[H.J.R. 1](#)

- Proposed Constitutional Amendment — Natural Resources and Outdoor Recreation Trust Fund
SEE NATURAL RESOURCES AND OUTDOOR RECREATION. This Joint Resolution proposes an amendment to the Constitution of the State of Iowa to dedicate a portion of state sales and service tax revenue for the benefit of natural resources in this state.

AGRICULTURE

[SENATE FILE 342](#) - Soybean and Corn Promotion Organizations — Boards of Directors

BY COMMITTEE ON AGRICULTURE. This Act applies to the Iowa Soybean Association Board established in Code Chapter 185 and the Iowa Corn Promotion Board established in Code Chapter 185C. Both boards exercise similar powers and duties in order to promote their respective commodities (see Code Sections 185.13 and 185C.13). This Act adds to those powers by authorizing each board to issue negotiable instruments. In addition, the Act amends Code Section 185C.14 by changing the per diem paid to the directors of the Iowa Corn Promotion Board to \$100 in lieu of the \$50 specified in Code Section 7E.6 which otherwise applies to members of boards, committees, commissions, and councils. Last year, Code Section 185.14 was amended to provide the same per diem to the directors of the Iowa Soybean Association Board (see 2008 Iowa Acts, Chapter 1046).

[SENATE FILE 405](#) - Disposal of Animal Bodies

BY COMMITTEE ON AGRICULTURE. This Act provides that a person who cremates an animal carcass is not required to be licensed as a disposal plant by the Department of Agriculture and Land Stewardship (Code Section 167.3). The Act also eliminates a requirement that a person who owns or cares for an animal must dispose of its carcass within 24 hours after death. Instead, the Act requires that the person dispose of the carcass in a reasonable time. The Act allows the person to dispose of the carcass by composting. Finally, the Act excepts a licensed veterinarian from the disposition requirement so long as the carcass is contained in a manner that prevents an outbreak of disease (Code Section 167.18).

A person who violates a prohibition contained in these Code sections is guilty of a simple misdemeanor or alternatively is subject to a civil penalty of between \$100 and \$1,000 (Code Section 167.19). A simple misdemeanor is punishable by confinement for no more than 30 days or a fine of at least \$65 but not more than \$625 or by both.

[SENATE FILE 423](#) - Dispensing of Ethanol Blended Gasoline

BY COMMITTEE ON ENVIRONMENT AND ENERGY INDEPENDENCE. This Act allows a retail dealer of motor fuel to use infrastructure to dispense ethanol blended gasoline containing a high ethanol content (above E-10 and including E-85). Ordinarily, a retail dealer must use infrastructure that has been approved by the Department of Natural Resources and the State Fire Marshal, based on a listing by an independent testing laboratory (e.g., Underwriters Laboratory, Inc.). An existing exemption allows a retail dealer to use infrastructure compatible for use with E-9 or higher so long as the retail dealer performs a daily inspection of the dispenser and keeps an inspection record. The Act creates an alternative exception. The retail dealer does not have to perform a daily inspection if a secondary containment system with electronic monitoring has been installed. However, the alternative exemption only applies for 10 years after the installation date. If after that date the dispenser is still not listed with an independent testing laboratory, the retail dealer must upgrade or replace the dispenser to be compatible with E-85 as listed by an independent testing laboratory or otherwise comply with the first visual inspection exemption.

[SENATE FILE 432](#) - Regulation of Animal Feeding Operations

BY COMMITTEE ON AGRICULTURE. This Act provides for the regulation of animal feeding operations by the Department of Natural Resources, including the storage and application of manure originating from such operations. An animal feeding operation is an area or building in which agricultural animals are confined for 45 days or more in any 12-month period, and all associated structures used for the storage of manure. Much of the Act concerns the regulation of confinement feeding operations and associated manure storage structures. A confinement feeding operation is an animal feeding operation in which animals are confined to areas which are totally roofed (see Code Section 459.102).

Division I — Application of Manure on Snow Covered Ground and Frozen Ground

GENERAL. Division I permits a person to apply manure originating from an animal feeding operation on snow covered ground or frozen ground, except as provided in the division, in Code Chapter 459, or by federal law (and specifically the Water Pollution Control Act).

The remainder of the division concerns the application of liquid manure on ground during cold weather months. Liquid manure flows perceptibly under pressure, is capable of being transported through a mechanical pumping device, and its constituent molecules flow freely and separate under stress.

APPLICATION OF LIQUID MANURE — PROHIBITION AND EXCEPTIONS. The division prohibits a person from applying liquid manure originating from a manure storage structure that is part of a confinement feeding operation on snow covered ground during the period beginning December 21 and ending April 1 and on frozen ground during the period beginning February 1 and ending April 1.

There are several exceptions. A person may apply the manure during the cold weather months if there is an emergency due to unforeseen circumstances affecting the storage of the liquid manure that are beyond the control of the owner of the confinement feeding operation. In those circumstances, the owner or a person authorized to apply the manure must contact the department, apply the liquid manure on land identified in the owner's manure management plan (see Code Section 459.312), apply the manure on a field with a phosphorus index rating of two or less, and ensure that surface water drain tile intakes are blocked. An emergency cannot be used as an exception due to the improper design or management of a manure storage structure or if the manure originates from a manure storage structure with a capacity to store manure for less than 180 days.

The cold weather prohibition does not affect small animal feeding operations or the application of liquid manure which is injected in the soil or incorporated within the soil on the same day.

ANNUAL REPORT. The division requires a representative of the department to present a report each year until 2014 to the standing legislative committees having jurisdiction over agriculture and environmental protection regarding the application of liquid manure on snow covered ground and frozen ground due to an emergency.

PENALTIES. Generally, a person who applies manure in violation of the new provision is subject to a civil penalty, that may be administratively assessed by the department, of not more than \$10,000 (Code Section 455B.109), or judicially assessed of not more than \$5,000 per each day of the violation (Code Section 455B.191(1)). Penalties are deposited into the Animal Agriculture Compliance Fund (Code Section 459.401).

Division II — Regulation of Dry Bedded Confinement Feeding Operations

Division II creates a new Code chapter referred to as the "Animal Agriculture Compliance Act for Dry Bedded Confinement Feeding Operations" (new Code Section 459B.101). The provisions correspond closely to the "Animal Agriculture Compliance Act" (Code Chapter 459). The division regulates dry bedded confinement feeding operations for cattle and swine. The operation includes a building housing the animals utilizing bedding (crop, vegetation, or forage residue or similar materials) and any structure used to keep the dry bedded manure (new Code Section 459B.102). For similar provisions regulating the stockpiling of dry manure, see H.F. 735.

ADJACENCY. Two or more dry bedded confinement feeding operations under common ownership or common management are deemed to be a single dry bedded confinement feeding operation if they are separated by less than 1,250 feet or utilize a common area or system for dry bedded manure disposal (new Code Section 459B.103 compared to Code Section 459.201).

ADMINISTRATION. The division authorizes the Environmental Protection Commission to adopt rules necessary to regulate the construction or operation of dry bedded confinement feeding operations, and provides that the provisions of the new Code chapter are to supplement the applicable provisions of Code Chapter 459 (new Code Section 459B.104 compared to Code Section 459.103).

CONSTRUCTION. The division regulates the construction of dry bedded confinement feeding operation structures, and requires special flooring to prevent groundwater contamination (new Code Section 459B.201). Separation distances are required between a dry bedded confinement feeding operation structure and various objects or locations, including the surface intake of an agricultural drainage well, wellhead, cistern of an agricultural drainage well, or known sinkhole, a water source, including a major water source, and a designated wetland. Construction within a 100-year floodplain is prohibited (new Code Section 459B.202 compared to Code Section 459.310).

DRY BEDDED MANURE CONTROL. The division provides for the stockpiling of dry bedded manure, and includes separation distances based on air and water quality.

For air quality, separation distances are established for a stockpile and a residence not owned by the titleholder of the land, a commercial enterprise, a bona fide religious institution, an educational institution, or a public use area (new Code Section 459B.301 compared to Code Section 459.204). Several exceptions apply, including when a titleholder executes a waiver, and the manure originates from a small animal feeding operation (compared with Code Section 459.205).

For water quality, other separation distance requirements apply, including for a "designated area" (e.g., a known sinkhole, a cistern, an abandoned well, an unplugged agricultural drainage well, an agricultural drainage well surface inlet, a drinking water well, a wetland, or a water source, but not a terrace tile inlet or surface tile inlet other than an agricultural drainage well surface tile inlet), a high-quality water resource, a terrace tile inlet, or a surface tile inlet (new Code Section 459B.302). The division restricts stockpiling on a grassed waterway, on certain slopes, and on karst terrain or in an alluvial aquifer area.

MANURE MANAGEMENT PLAN. A person required to file a manure management plan for a dry bedded manure confinement feeding operation may submit a copy of a written agreement executed between the person and the person renting the land for crop production (new Code Section 459B.303, see also Code Section 459.312).

ENFORCEMENT. The department and the Attorney General are responsible for enforcing the provisions of the new Code chapter (new Code Section 459B.401 as compared with Code Section 459.601).

PENALTIES. A person who stockpiles dry bedded manure in violation of air quality restrictions under new Code Section 459B.301 is subject to a civil penalty for air quality violations as provided in Code Section 455B.109, which authorizes the Environmental Protection Commission to establish civil penalty amounts according to a schedule not to exceed \$10,000 (new Code Section 459B.402 compared with Code Section 459.602). A person who violates any other provision of the new Code chapter is subject to penalties for water quality violations as provided in Code Section 455B.109 or 455B.191 which includes a judicially assessed civil penalty of up to \$5,000 per each day of the violation (new Code Section 459B.402 compared with Code Section 459.603). Moneys collected from civil penalties are deposited into the Animal Agriculture Compliance Fund (Code Section 459.401).

Division II takes effect May 26, 2009.

Division III — Conforming Changes

Division III amends provisions in a number of Code sections which refer to Code Chapter 459. The provisions were added after provisions in Code Chapter 455B and other Code chapters relating to animal feeding operations were transferred and consolidated pursuant to 2002 Iowa Acts, Chapter 1137, and 2002 Iowa Acts, 2nd Ex, Chapter 1003. Other provisions make changes which refer to the deposit of civil penalties into the Animal Agriculture Compliance Fund (Code Section 459.401).

Division III takes effect May 26, 2009.

[HOUSE FILE 374](#) - Grain Depositors and Sellers Indemnity Fund — Fees and Claims
BY COMMITTEE ON AGRICULTURE. This Act amends Code Chapter 203D, which establishes the Grain

Depositors and Sellers Indemnity Fund for use in indemnifying a "depositor" who has stored grain with a warehouse operator licensed by the Department of Agriculture and Land Stewardship, for losses resulting from the depositor's right to receive possession of the grain, and a "seller" who sells grain to a grain dealer licensed by the department, for losses resulting from a failure to receive payment for that grain.

According to Code Section 203D.5, when the balance in the fund reaches a certain amount, supporting fees are automatically waived. These fees include an annual fee imposed on grain dealers and warehouse operators and a per-bushel fee imposed on depositors and sellers. The Act increases the balance before the fees are automatically waived from \$6 million to \$8 million.

According to Code Section 203D.6, a depositor or seller must file a claim against the fund within 120 days of an "incurrence date" which is the date that the department revokes the grain dealer's or warehouse operator's license or the date that a licensed grain dealer or warehouse operator files a petition in bankruptcy. The Act allows a depositor or seller to choose between those dates, even after a prior date has expired. Previously, the period to file a claim was triggered on the earliest of those dates.

In addition, Code Section 203D.6 provides that a depositor or seller who timely files an eligible claim is entitled to be indemnified from the fund for 90 percent of a loss up to a certain limit; that limit is increased by the Act from \$150,000 to \$300,000.

The Act takes effect March 19, 2009, and applies retroactively to October 1, 2008.

HOUSE FILE 710 - Agricultural Development Authority Operations — Reporting

BY COMMITTEE ON AGRICULTURE. This Act requires the Executive Director of the Agricultural Development Authority to report semiannually to the legislative Government Oversight committees regarding the authority's operations.

The authority is a state instrumentality established to assist farmers in obtaining financing, including for purchasing agricultural property by beginning farmers, for installing permanent soil and water conservation practices, and for providing operating expenses (Code Section 175.3(1)).

HOUSE FILE 735 - Confinement Feeding Operations — Stockpiling Dry Manure

BY COMMITTEE ON AGRICULTURE. Currently, Code Chapter 459 provides for regulation of confinement feeding operations by the Department of Natural Resources, including manure storage in a structure. This Act regulates the storing of dry manure outside a manure storage structure, referred to as a stockpile (for the stockpile of manure solids from an open feedlot, see Code Section 459A.403).

AIR QUALITY REQUIREMENTS — SEPARATION DISTANCES. Code Chapter 459, Subchapter II, regulates air quality. The Act provides that a person may stockpile dry manure so long as it is in compliance with the statutory restrictions applicable to stockpiling. The subchapter provides separation distance requirements benefiting certain objects or locations, including a residence, commercial enterprise, bona fide religious institution, educational institution, or public use area, from a confinement feeding operation structure or the application of manure originating from such structure (Code Sections 459.202 and 459.204). The Act provides that a stockpile cannot be located within specified separation distances from these same benefited objects or locations. There are several exceptions, based on the execution of a waiver by the parties, whether the manure originated from a small animal feeding operation, or the date that the confinement feeding operation was constructed.

WATER QUALITY REQUIREMENTS. Code Chapter 459, Subchapter III, regulates water quality. The Act permits a person to stockpile manure so long as it is in compliance with the restrictions applicable to stockpiling. Code Section 459.311 requires that a confinement feeding operation retain all manure produced by the operation between periods of manure disposal, usually by application. The Act provides that stockpiling dry manure satisfies this requirement so long as it complies with the provisions of the Act.

SEPARATION DISTANCE REQUIREMENTS. The Act provides separation distance requirements between a stockpile and a designated area which includes a known sinkhole, a cistern, an abandoned well, an unplugged

agricultural drainage well, an agricultural drainage well surface inlet, a drinking water well, a designated wetland, or a water source (see Code Section 459.314). The Act provides that a designated area does not include a surface tile inlet, other than an agricultural drainage well surface tile inlet, which is consistent with Code Chapter 459A governing open feedlot operations. Special separation distance requirements are provided for a high-quality water resource as provided by rules adopted by the department, and for an agricultural drainage well or known sinkhole. The Act provides special separation distance requirements between a stockpile and a terrace tile inlet or surface tile inlet. An exception allows a stockpile to be located closer than otherwise required from these water sources so long as it is maintained in a manner that will not allow precipitation-induced runoff to drain from the dry manure.

CERTAIN LOCATIONS LIMITED. A stockpile cannot be located in a grassed waterway. It also cannot be located on a slope of a certain grade, unless efforts are taken to contain the stockpile and prevent runoff.

STOCKPILE LOCATIONS. If the dry manure is not stockpiled on karst terrain, no requirements apply so long as the dry manure is stockpiled for 15 days or less. Otherwise, a person must comply with stockpiling requirements or file a monthly inspection statement with the department. The special stockpiling requirements include either the use of a structure (e.g., a building) or the use of an impermeable cover. However, if the stockpile is covered on a long-term basis (more than six months in a two-year period), it must be sited on compacted or other prepared ground.

If the dry manure is stockpiled on karst terrain, there must be a separation distance between the bottom of the stockpile and the soluble rock, regardless of how long the stockpile is located there. For dry manure that is stockpiled for more than 15 days, special compliance requirements apply, including either the use of a structure or an impermeable cover. If the stockpile is located on karst terrain on a long-term basis, it must be sited on concrete. There is no option for filing an inspection statement.

EXCEPTION. Stockpiling or a stockpile location is not subject to regulation if the dry manure originates from a confinement feeding operation constructed prior to January 1, 2006, unless the operation expanded after that date, the dry manure pollutes the waters of this state, or the department determines that precipitation-induced runoff has drained away from the stockpile.

PENALTIES APPLICABLE. Code Chapter 459 includes penalty provisions. Code Section 459.602 provides that a person violating the Code chapter's air quality regulations is subject to judicial action brought by the Attorney General under Code Section 455B.191. Under that Code section, the general civil penalty applicable for a violation cannot exceed \$5,000. Code Section 459.603 provides that a person violating the Code chapter's water quality regulations is subject to the same judicial action brought under Code Section 455B.191, but also allows the department to impose a range of civil penalties based on a number of criteria under Code Section 455B.109, not to exceed \$10,000. All civil penalties are deposited in the Animal Agriculture Compliance Fund created in Code Section 459.401.

EFFECTIVE DATE. The Act takes effect April 2, 2009.

ALCOHOL REGULATION AND SUBSTANCE ABUSE

- [SENATE FILE 403](#) - Beer Sales by Native Wineries
- [SENATE FILE 420](#) - Native Wine Permittee Employees — Employment by Native Beer Breweries
- [SENATE FILE 447](#) - Liquor Control — Resealed Wine Bottles for Off-Premises Consumption
- [HOUSE FILE 278](#) - Regulation of On-Premises Consumption of Alcoholic Beverages — Premises Occupancy Rates

RELATED LEGISLATION

- [SENATE FILE 237](#) - Pseudoephedrine Product Sales
SEE STATE GOVERNMENT. This Act relates to the sale of a pseudoephedrine product by a pharmacy or retailer. The Act establishes a statewide real-time central repository in the Governor's Office of Drug Control Policy to track the sale of pseudoephedrine products at pharmacies. The Act establishes a Pseudoephedrine Advisory Committee to provide input and advise the Governor's Office of Drug Control Policy regarding the implementation and maintenance of the statewide real-time central repository. Certain provisions establishing the statewide real-time central repository do not take effect unless sufficient funding is received to implement and maintain the central repository.
- [SENATE FILE 376](#) - Iowa Jobs Program, Bonding, Miscellaneous Appropriations and Reductions, and Other Miscellaneous Changes
SEE ECONOMIC DEVELOPMENT. This Act creates an Iowa Jobs Program, an Iowa Jobs Board, and Iowa Jobs Fund, authorizes the issuance of bonds including tax-exempt bonds, and makes and revises appropriations. Division VI of the Act makes changes to Code Section 8.57 relating to the distribution of wagering tax allocations for purposes of pledging a revenue stream for the new revenue bonds issued under the Act. The Act takes effect May 14, 2009.
- [SENATE FILE 419](#) - Transportation — Administration, Regulation, Enforcement, and Funding
SEE TRANSPORTATION. Division II of this Act amends provisions relating to the disqualification of a commercial motor vehicle operator for operating while intoxicated, including a provision for rescinding a disqualification in conjunction with the rescission of a driver's license revocation connected to the same incident. Division II also limits the period of license revocation for a person convicted of driving under a suspended or revoked license following a conviction for operating while intoxicated, and reduces the period of ineligibility for a temporary restricted license following a conviction for a second or subsequent offense of operating while intoxicated.
- [SENATE FILE 478](#) - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act makes, reduces, and transfers appropriations, provides salaries and compensation of state employees, and covers other properly related matters. Division VIII of the Act allows the Executive Council to authorize the temporary use of alcoholic beverages in the State Capitol Building or on the State Capitol Complex grounds.
- [HOUSE FILE 811](#) - Appropriations – Health and Human Services
SEE APPROPRIATIONS. This Act relates to and makes appropriations for health and human services for FY 2009-2010, and includes funding for tobacco cessation, substance abuse, and gambling treatment. It also eliminates the Gambling Treatment Fund as a separate funding source for gambling treatment and instead credits these revenues to the General Fund of the State.

[HOUSE FILE 820](#)

- Federal Block Grant Appropriations and Other Federal Funding
SEE APPROPRIATIONS. This Act appropriates federal block grant, federal American Recovery and Reinvestment Act of 2009, and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, and for the state fiscal year beginning July 1, 2009, and ending June 30, 2010. The Act includes funding for various substance abuse and drug enforcement programs.

ALCOHOL REGULATION AND SUBSTANCE ABUSE

[SENATE FILE 403](#) - Beer Sales by Native Wineries

BY COMMITTEE ON COMMERCE. This Act allows a native winery that is authorized to sell native wine at retail to also purchase beer from a wholesaler holding a class "A" beer permit for sale at retail.

[SENATE FILE 420](#) - Native Wine Permittee Employees — Employment by Native Beer Breweries

BY COMMITTEE ON STATE GOVERNMENT. This Act allows a person employed by a native winery to also be employed by a native brewery so long as the person does not have an ownership interest in either licensed premises.

[SENATE FILE 447](#) - Liquor Control — Resealed Wine Bottles for Off-Premises Consumption

BY COMMITTEE ON COMMERCE. This Act provides that a person holding a liquor control license allowing the consumption of alcohol for on-premises consumption can permit a customer to remove one unsealed bottle of wine for consumption off the premises if the customer has purchased and consumed a portion of the bottle of wine on the licensed premises. The licensee shall place the bottle in a specially designed bag and provide the customer with a dated receipt. The resealed bottle of wine is still considered an open container for purposes of those Code sections prohibiting open containers of alcohol in the passenger area of vehicles.

[HOUSE FILE 278](#) - Regulation of On-Premises Consumption of Alcoholic Beverages — Premises Occupancy Rates

BY FORD. This Act provides that local authorities in Polk County shall require persons obtaining or holding a liquor control license for on-premises consumption of alcohol to provide, and update if necessary, the occupancy rate of the licensed premises. The occupancy rate of a licensed premises is relevant for purposes of the security employee training pilot project established in Polk County pursuant to legislation enacted in 2008.

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- [SENATE FILE 467](#) - Appropriations — Agriculture and Natural Resources
- [SENATE FILE 469](#) - Appropriations — Economic Development
- [SENATE FILE 470](#) - Appropriations — Education
- [SENATE FILE 472](#) - Appropriations — Judicial Branch
- [SENATE FILE 475](#) - Appropriations — Justice System
- [SENATE FILE 477](#) - Appropriations Bonding, Vertical Infrastructure Capitals Funding, and Alternative Energy Loans
- [SENATE FILE 478](#) - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
- [HOUSE FILE 64](#) - Disaster Assistance — Appropriations, Grants, and Administration
- [HOUSE FILE 414](#) - Appropriation Reductions, Transfers, and Supplementals
- [HOUSE FILE 805](#) - Appropriations — Transportation
- [HOUSE FILE 809](#) - Appropriations — Administration and Regulation
- [HOUSE FILE 811](#) - Appropriations — Health and Human Services
- [HOUSE FILE 820](#) - Federal Block Grant Appropriations and Other Federal Funding
- [HOUSE FILE 822](#) - Appropriations — Infrastructure and Capital Projects

RELATED LEGISLATION

- [SENATE FILE 142](#) - Economic Development Assistance — Funds, Tax Credits, and Benchmarks
SEE ECONOMIC DEVELOPMENT. This Act makes a number of changes relating to economic development, including the creation of an Innovation and Commercialization Fund, the administration of certain third-party developer tax credits, the nonreversion of funds for the Jumpstart Disaster Assistance Program, and conforming changes related to strategic plan requirements stricken in 2008.
- [SENATE FILE 151](#) - Railways, Railway Assistance, and Passenger Rail Service
SEE TRANSPORTATION. This Act repeals a standing appropriation of up to \$2 million from the Statutory Allocations Fund for the payment of obligations of the Railway Finance Authority and leases guaranteed by the authority.
- [SENATE FILE 344](#) - Economic Development Financial Assistance Programs — Miscellaneous Changes
SEE ECONOMIC DEVELOPMENT. This Act relates to various financial assistance programs operated by the Department of Economic Development. The Act makes organizational changes to the administration of the Grow Iowa Values Fund and the programs funded with moneys appropriated to it. The Act also makes related changes to the High Quality Job Creation Program and the Enterprise Zone Program.
- [SENATE FILE 376](#) - Iowa Jobs Program, Bonding, Miscellaneous Appropriations and Reductions, and Other Miscellaneous Changes
SEE ECONOMIC DEVELOPMENT. This Act creates an Iowa Jobs Program, an Iowa Jobs Board, and an Iowa Jobs Fund; authorizes the issuance of bonds including tax-exempt bonds; and makes and revises appropriations. The Act, in part, appropriates moneys for FY 2009-2010 from the Revenue Bonds Capitals Fund to the Iowa Jobs Restricted Capitals Fund, the Department of Agriculture and Land Stewardship, the Department of Natural Resources, the Iowa Energy Center, the Iowa Finance Authority, the Iowa

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Telecommunications and Technology Commission, and the Department of Transportation. The Act takes effect May 14, 2009.

[SENATE FILE 452](#)

- Energy Efficiency Projects
SEE ENERGY AND PUBLIC UTILITIES. This Act directs the Office of Energy Independence to establish a community grant program for energy efficiency projects.

[SENATE FILE 471](#)

- Energy Efficiency, Renewable Energy, and the Office of Energy Independence
SEE ENERGY AND PUBLIC UTILITIES. This Act transfers authority over specified energy-related measures and programs from the Department of Natural Resources to the Office of Energy Independence.

[SENATE FILE 484](#)

- Boarding Home Regulation and Protection of Dependent Adults
SEE HEALTH AND SAFETY. This Act relates to regulatory requirements involving boarding homes and dependent adults. It includes provisions creating a Medicaid Fraud Account for the deposit of moneys relating to prosecutions involving the Medicaid audit and fraud activity of the Department of Inspections and Appeals. Part of the proceeds can be used for the regulatory activities by the department and other agencies involving boarding homes.

[HOUSE FILE 817](#)

- Economic Growth and Expansion and Research Activities Tax Credit Funding
SEE ECONOMIC DEVELOPMENT. This Act relates to the amount of tax credits available for innovative renewable energy generation components as part of the research activities tax credit.

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[SENATE FILE 467](#) - Appropriations – Agriculture and Natural Resources [Fiscal Analysis](#)
 BY COMMITTEE ON APPROPRIATIONS. This Act relates to agriculture and natural resources by making appropriations for fiscal year 2009-2010 to support related entities.

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP AND DEPARTMENT OF NATURAL RESOURCES — GENERAL APPROPRIATIONS. The Act appropriates moneys to the Department of Agriculture and Land Stewardship and the Department of Natural Resources to support those departments for administration, regulation, and programs. The departments are required to submit quarterly reports to the General Assembly and the Department of Management regarding the expenditure of appropriated moneys. Appropriations are made from a number of sources, including the General Fund of the State, the Fish and Game Protection Fund, the Groundwater Protection Fund, the Special Snowmobile Fund, and the Unassigned Revenue Fund associated with the Iowa Comprehensive Underground Tank Fund.

Department of Agriculture and Land Stewardship. For the Department of Agriculture and Land Stewardship, moneys are appropriated in order to support its divisions. The Act appropriates moneys from the General Fund of the State to support designated programs, including horse and dog racing, and motor fuel inspection. Moneys are also appropriated from the Agrichemical Remediation Fund (Code Section 161.7) to support departmental operations.

Department of Natural Resources. For the Department of Natural Resources, moneys are appropriated from the General Fund of the State in order to support its divisions. The Act makes appropriations from other funds to support the department, including from the State Fish and Game Protection Fund (Code Section 456A.17) to support programs related to fish and wildlife. The Act appropriates moneys from the Groundwater Protection Fund (Code Section 455E.11) to support groundwater quality. Moneys from the Solid Waste Account of that fund are appropriated to support a pharmaceutical collection and disposal pilot program. Moneys are appropriated from the Special Snowmobile Fund (Code Section 321G.7) to support snowmobile programs. An appropriation is made from the Unassigned Revenue Fund administered by the Iowa Comprehensive Underground Storage Tank Fund Board (Code Section 455G.4) to the department for administration and expenses of the underground storage tank section. The department may use additional funds for staffing to reduce the department's floodplain permit backlog and implementing the federal Maximum Daily Load Program.

IOWA STATE UNIVERSITY — VETERINARY DIAGNOSTIC LABORATORY. The Act appropriates moneys from the General Fund of the State to the College of Veterinary Medicine for the operation of the Veterinary Diagnostic Laboratory, and provides for budgetary reductions, and expresses legislative intent for a future appropriation to support the laboratory.

ENVIRONMENT FIRST FUND — GENERAL APPROPRIATIONS. The Act appropriates moneys from the Environment First Fund for a number of purposes, generally administered by the Department of Agriculture and Land Stewardship, the Department of Economic Development, and the Department of Natural Resources. There are delayed reversion provisions applicable to moneys appropriated from the fund to support these purposes.

Department of Agriculture and Land Stewardship. For the Department of Agriculture and Land Stewardship, moneys are appropriated to support the Conservation Reserve Enhancement Program for the restoration and construction of wetlands, watershed protection, a farm management demonstration program, the Agriculture Drainage Well Water Quality Assistance Fund (Code Section 460.303), the establishment of soil and water conservation practices (Code Chapter 161A), the Conservation Reserve Program, the Loess Hills Development and Conservation Fund (Code Section 161D.2), and the Southern Iowa Development and Conservation Fund (Code Section 161D.12).

Department of Economic Development. For the Department of Economic Development, moneys are appropriated to the Brownfield Redevelopment Fund (Code Section 15.293).

Department of Natural Resources. For the Department of Natural Resources, moneys are appropriated to support the Keepers of the Land Program, the maintenance and operations of state parks, geographic information system data, water quality monitoring, the Public Water Supply System Account of the Water Quality Protection Fund (Code Section 455B.183A), the regulation of animal feeding operations (Code Chapters 459 and 459A), ambient air quality, water quality regulation (Code Chapter 455B, Division III, Part 4), and resource conservation and development.

Resources Enhancement and Protection Fund. The Act appropriates \$18 million from the Environment First Fund to the Resources Enhancement and Protection Fund in lieu of the \$20 million annual appropriation from the General Fund of the State (Code Section 455A.18).

CODE CHANGES. The Act makes a number of changes to the Code, including the following:

National Pollutant Discharge Elimination System (NPDES) Permit Fund. The Act amends Code Section 455B.196, which establishes the NPDES Permit Fund to support the processing of applications and issuance of permits by the Department of Natural Resources. The Act provides a standing appropriation from the fund to the department each fiscal year. Previously, the General Assembly appropriated moneys from the fund to support the department's efforts each year.

Agriculture Energy Efficiency Education Program. The Act provides for an Agriculture Energy Efficiency Education Program to be established and administered by the University of Northern Iowa. The purpose of the program is to increase profitability and reduce the amount of energy used in the production of agricultural animals and crops. The university is not required to implement the program until moneys are made available by the federal government.

Private Property Transfers — Private Sewage Disposal Inspections. The Act amends provisions enacted in 2008 requiring that before a property having a building served by a private sewage disposal system can be transferred, the system must be inspected by a certified inspector (2008 Iowa Acts, Chapter 1008). The Act exempts transfers for which consideration is \$500 or less. It also exempts transfers between certain family enterprises, including a family corporation, partnership, limited partnership, limited liability company, or limited liability partnership, and its stockholders, partners, or members as part of an incorporation or organization or as part of a dissolution, in exchange for shares or membership interests.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

1. A provision requiring employees of the Department of Agriculture and Land Stewardship and the Department of Natural Resources to submit actual receipts for meals and other costs for reimbursement.
2. A provision delaying the effective date of a requirement that property having a building served by a private sewage disposal system be inspected by a certified inspector prior to being transferred. The result of the veto is that the requirement takes effect July 1, 2009.

SENATE FILE 469 - **Appropriations — Economic Development** **Fiscal Analysis**
BY COMMITTEE ON APPROPRIATIONS. This Act makes appropriations and transfers from the General Fund of the State and other funds to the Department of Cultural Affairs, the Department of Economic Development, the University of Iowa, the University of Northern Iowa, Iowa State University, the Department of Workforce Development, and the Public Employment Relations Board for fiscal year 2009-2010.

The Act provides that the goals for the Department of Economic Development shall be to expand and stimulate the state economy, increase the wealth of Iowans, and increase the population of the state. Moneys are appropriated to the department for providing financial assistance to Iowa's councils of governments that provide technical and planning assistance to local governments.

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The Act transfers moneys collected by the Division of Insurance of the Department of Commerce in excess of the anticipated gross revenues to the Department of Economic Development for purposes of insurance economic development and international insurance economic development.

Moneys are appropriated from the Iowa Community Development Loan Fund to the Department of Economic Development for purposes of the Community Development Program.

Moneys are appropriated from the Workforce Development Fund Account to the Workforce Development Fund. Moneys appropriated or transferred to or receipts credited to the Workforce Development Fund may be used for administration of workforce development activities. All moneys remaining in the Job Training Fund on July 1, 2009, and any moneys appropriated or credited to the fund during the fiscal year beginning July 1, 2009, are transferred to the Workforce Development Fund.

The State Board of Regents is required to submit a report on the progress of the regents institutions in meeting the strategic plan for technology transfer and economic development.

Moneys are appropriated from the Special Employment Security Contingency Fund to the Department of Workforce Development for the Division of Workers' Compensation.

The Auditor of State is required to conduct an audit of the Department of Workforce Development.

Interest earned on the Unemployment Compensation Reserve Fund is appropriated to the Department of Workforce Development for the operation of field offices.

The Office of Renewable Fuels and Coproducts is allowed to apply to the Department of Economic Development for moneys in the Grow Iowa Values Fund.

The Auditor of State is requested to review the audit of the Iowa Finance Authority performed by the auditor hired by the authority.

The Act provides that, for the fiscal year beginning July 1, 2009, any entity that was specifically identified in 2001 Iowa Acts, Chapter 188, to receive funding from the Department of Economic Development, excluding any entity identified to receive a direct appropriation beginning July 1, 2009, may apply to the department for assistance through the appropriate program.

In providing moneys from the Shelter Assistance Fund to homeless shelter programs, the Department of Economic Development must explore the potential of allocating moneys to programs based in part on their ability to move their clients toward self-sufficiency.

The Act appropriates moneys from moneys credited to the state by the Secretary of the Treasury of the United States pursuant to the Social Security Act to the Department of Workforce Development only for purposes of the administration of the Unemployment Compensation Program.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

A provision which would have required that state departments and agencies to which appropriations are made in the Act require employees to submit actual receipts for purposes of reimbursing those costs.

[SENATE FILE 470](#) - Appropriations — Education

[Fiscal Analysis](#)

BY COMMITTEE ON APPROPRIATIONS. This Act appropriates moneys for FY 2009-2010 from the General Fund of the State to the Department for the Blind, the College Student Aid Commission, the Department of Education, and the State Board of Regents and its institutions.

Division I — Education Appropriations

DEPARTMENT FOR THE BLIND. Division I of the Act appropriates moneys to the Department for the Blind for its administration.

COLLEGE STUDENT AID COMMISSION. Division I includes appropriations to the College Student Aid Commission for general administrative purposes, student aid programs, the Osteopathic Physician Recruitment Program, the National Guard Educational Assistance Program, the Teacher Shortage Loan Forgiveness Program, the All Iowa Opportunity Foster Care Grant Program, the All Iowa Opportunity Scholarship Program, the Registered Nurse and Nurse Educator Loan Forgiveness Program, and the Barber and Cosmetology Arts and Sciences Tuition Grant Program.

In addition to the funds appropriated to the National Guard Educational Assistance Program from the General Fund of the State, funds are transferred to the program from funds remaining in the All Iowa Opportunity Scholarship Fund at the close of FY 2010 and from funds appropriated last year for purposes of a Washington, D.C., internship which remain unexpended. The transfer provisions take effect May 26, 2009. The division notwithstanding the \$2.75 million standing appropriation for the Iowa Work-Study Program and provides that the amount appropriated for FY 2010 is zero.

DEPARTMENT OF EDUCATION. The division appropriates moneys to the Department of Education for purposes of the department's general administration; Vocational Education Administration; Division of Vocational Rehabilitation Services, including independent living and the Entrepreneurs with Disabilities Program; the State Library for general administration and the Enrich Iowa Program; Library Service Area System; Public Broadcasting Division; regional telecommunications councils; vocational education to secondary schools; school food service; Iowa Empowerment Fund, including general aid, preschool tuition assistance, and family support and parent education; expansion of federal Individuals With Disabilities Education Improvement Act birth through age three services; the Four-Year-Old Preschool Program; textbooks for nonpublic school pupils; the Beginning Administrator Mentoring and Induction Program; the core curriculum and career information and decision-making system; the Student Achievement and Teacher Quality Program; and community colleges and community college salaries.

From moneys deposited in the First Years First Account, \$2 million is to be distributed to community empowerment areas by the Iowa Empowerment Board.

The Board of Educational Examiners is directed to transfer \$454,000 from funds derived from licensing fees to the department to be used for the Beginning Teacher Mentoring and Induction Program. This provision takes effect May 26, 2009.

Senate File 478 appropriates an additional \$167,096 for the department's general administration, \$108,000 for a program for farmers with disabilities, and \$600,000 for a Jobs for America's Graduates Specialist. Senate File 478 also provides Educational Excellence Program-related funds for distribution to the tribal council of the Sac and Fox Indian Settlement; and funds for deaf interpreters, centers for independent living, and for the K-12 Management Information System. House File 820 appropriates federal American Recovery and Reinvestment Act of 2009 (ARRA) stimulus funds to the Department of Education for the model core curriculum to community colleges, to the Early Childhood Programs Grant Account in the Iowa Empowerment Fund, and to the State Board of Regents.

STATE BOARD OF REGENTS. The division appropriates moneys to the State Board of Regents for the board office, universities' general operating budgets, the Southwest Iowa Graduate Studies Center, the Siouland Interstate Metropolitan Planning Council, the Quad-Cities Graduate Studies Center, Iowa Public Radio, the State University of Iowa (SUI), Iowa State University of Science and Technology (ISU), the University of Northern Iowa, the Iowa School for the Deaf, the Iowa Braille and Sight Saving School, and for tuition and transportation costs for students residing in the Iowa Braille and Sight Saving School and the Iowa School for the Deaf.

ISU is prohibited from reducing the amount it allocates to support the College of Veterinary Medicine from any other source due to the appropriation in the division, but the prohibition does not apply if across-the-board reductions are imposed on all of the university's budget units.

House File 820 appropriates \$80.28 million in federal ARRA stimulus funds to the Department of Management for distribution to the institutions under the control of the state board, which restores to FY 2009 levels the appropriations for the state board's budget units under the purview of the Joint Subcommittee on Education Appropriations. Senate File 478 eliminates the line item appropriation of nearly \$6.4 million under SUI for the Center for Disabilities and Development, along with an allocation for the Employment Policy Group, but increases the appropriation made in H.F. 811 for the Medicaid Program for Disproportionate Share Hospitals by nearly \$4.4 million in order to draw down federal matching dollars for the program. Senate File 478 appropriates additional funding for the Iowa School for the Deaf and the Iowa Braille and Sight Saving School and for Educational Excellence Program-related purposes.

STATE DEPARTMENT OR AGENCY COST-SAVING MEASURES. For FY 2010, state departments and agencies receiving appropriations under the Act must submit electronically any report required to be submitted to the General Assembly; and develop and implement procedures that result in cost savings for travel and various supplies, services, and contracts.

STATUTORY CHANGES. Language is eliminated that required community empowerment area boards to commit 60 percent of remaining school ready grant funding for family support services and parent education programs targeted to families with newborn through age five children.

Revenues a school district receives which were generated by pupils receiving competent private instruction from a licensed practitioner provided by the school district must be used for the same purpose. Language requiring school districts that offered a home school assistance program in FY 2008 to continue to provide the program in subsequent fiscal years is stricken.

In 2008, the General Assembly enacted legislation funding teacher compensation and professional development on a per-pupil basis through the school aid formula. Funding for teacher salaries and professional development will no longer be allocated under the Student Achievement and Teacher Quality Program. The division amends the program's allocation provisions to allocate funds for the issuance of National Board Certification Awards, the Ambassador to Education, and the Beginning Teacher Mentoring and Induction Program; and strikes language relating to allocations for teacher salaries, professional development, the Institute for Tomorrow's Workforce, and pay-for-performance and career ladder pilots. Effective May 26, 2009, funds which had been appropriated for the institute for FY 2009 are instead to be used for the Beginning Teacher Mentoring and Induction Program.

The division also amends the definition of beginning teacher for purposes of the program to exclude from the definition a teacher whose employment is probationary unless the teacher is serving under an initial or teacher intern license; and provides that a person who holds a statement of professional recognition issued by the Board of Educational Examiners is a career teacher.

A community college receiving state salary funds must divide the funds that will be paid to an individual instructor evenly and pay the funds in each pay period of the fiscal year. Community colleges and regents universities must submit information to the General Assembly annually regarding, at a minimum, contracted salary and benefits of board members, lobbyists, and administrators, and lobbying activity costs.

The College Student Aid Commission is directed to require certain postsecondary institutions whose students were enrolled in a school district in Iowa to include in its student management information system the unique student identifiers assigned to the institution's students. The division reduces the standing appropriation for the Iowa Tuition Grant, the Iowa Tuition Grant for students attending for-profit institutions, and the Vocational-Technical Tuition Grant. The age by which an individual can qualify for an All Iowa Opportunity Foster Care Grant is reduced from age 18 to age 17 under certain circumstances. Language requiring the

commission to pay an administration fee to Des Moines University — Osteopathic Medical Center is stricken. However, S.F. 478, for FY 2009-2010, directs the commission to pay an administration fee to the university.

Regents universities are permitted to increase the fees charged for transcripts from \$5 to their actual costs.

The Board of Educational Examiners is directed to issue statements of professional recognition to athletic trainers, and is permitted to adopt rules for practitioners who are not eligible for statements of professional recognition but who have received a baccalaureate degree and provide service to students from prekindergarten through grade 12.

The definition of administrator for purposes of the Beginning Administrator Mentoring and Induction Program is amended to provide that the individual must be engaged in instructional leadership, and to exclude assistant principals and assistant superintendents.

A school tuition organization tax credit of not more than 25 percent of the school tuition organization's tax credits that may be approved for individual and married taxpayers is established for corporations.

The division repeals the Code chapter establishing the Institute for Tomorrow's Workforce.

Senate File 478 increases the standing appropriation for the Iowa Tuition Grant Program by \$2 million.

Division II — Research and Development School

Division II of this Act provides for the establishment of a state research and development prekindergarten through grade 12 school based on a three-year transition plan and appropriates \$35,000 from the General Fund of the State to the University of Northern Iowa (UNI) for FY 2010 for a contract with a design firm to evaluate the condition of the university's Center for Early Development Education (also known as the Price Laboratory School) and determine an approximate cost for renovation of the current facility and for new construction with a recommendation as to which is more feasible. Leadership in energy and environmental design certification shall be sought.

The division sets out the basic structure of the school, including the legislative intent, the school's basic funding, the school's governance, and the school's infrastructure.

The school would be eligible for school foundation aid by counting open enrolled pupils, and the school shall continue to receive funding from UNI which currently supports research at the Price Laboratory School.

The State Board of Regents governs the research and development school's facility, faculty, staffing, and grounds. The Department of Education is responsible for accrediting the teachers and staff. A 17-member advisory council will review and evaluate the educational processes and results of the school. An 11-member standing institutional research committee will serve as the clearinghouse for the investigative and applied research at the school, including creating research protocols, approving research proposals, and reviewing the quality and results of performed research.

The research and development school's infrastructure is based on a three-year transition plan from the current Price Laboratory School.

The President of UNI and the director of the department are directed to appoint a transition team to oversee the three-year transition.

The funding provisions take effect July 1, 2010.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

1. A provision requiring, for FY 2010, state departments and agencies receiving appropriations under the Act to require employees to submit actual receipts for meals and other costs in order to receive expense reimbursement.

2. A provision establishing that the state withdraws from the Midwestern Higher Education Compact effective July 1, 2009, until such time as the state has the resources to resume membership and reenters the compact; and providing that the state's obligations and liability under the compact cease upon the effective date of its withdrawal from the compact.

SENATE FILE 472 - Appropriations — Judicial Branch

Fiscal Analysis

BY COMMITTEE ON APPROPRIATIONS. This Act makes appropriations from the General Fund of the State for FY 2009-2010 to the judicial branch. See S.F. 478 for increases in court fees and an increase in the appropriation made in this Act.

The Act includes the state's required contribution for judicial retirement in the general appropriation to the judicial branch rather than providing a separate appropriation.

The Chief Justice of the Supreme Court is authorized to place on unpaid leave all judicial officers for the fiscal period beginning July 1, 2008, and ending June 30, 2010, on any day court employees are placed on temporary layoff status. If a judicial officer is placed on unpaid leave, the salary of the judicial officer is reduced accordingly for the pay period in which the unpaid leave occurred. Through the course of the fiscal period the judicial branch may use an amount equal to the aggregate amount of the salary reductions due to the judicial officer's unpaid leave for any purpose other than judicial salaries. The judicial officer unpaid leave provision takes effect May 4, 2009.

The Act provides that a civil trial including a jury trial may take place in a county contiguous to the county with proper jurisdiction, even if the contiguous county is located in an adjacent judicial district or judicial election district, if all the parties in a case agree. If a trial is moved to another county that is located in another judicial district or judicial election district, the judicial officers serving the judicial district or judicial election district receiving the case shall preside over the case.

A judicial officer is permitted to waive travel reimbursement for any travel outside the judicial officer's county of residence to conduct official business. The waiver of travel reimbursement provision takes effect May 4, 2009.

SENATE FILE 475 - Appropriations — Justice System

Fiscal Analysis

BY COMMITTEE ON APPROPRIATIONS. This Act makes appropriations for FY 2009-2010 to the departments of Justice (DOJ), Corrections (DOC), Public Defense (DPD), and Public Safety (DPS); the Iowa Law Enforcement Academy (ILEA); the Office of State Public Defender; the Board of Parole; and the Iowa Civil Rights Commission. Additional appropriations are made from the General Fund of the State for FY 2008-2009 to the Office of the State Public Defender, and for FY 2009-2010 to DOC and DPS in S.F. 478. The Office of Consumer Advocate under the purview of DOJ also received an appropriation from the Department of Commerce revolving fund created in H.F. 809. Appropriations of federal American Recovery and Reinvestment Act of 2009 (ARRA) stimulus funds are made in H.F. 820 for FY 2009-2010 to DOC, DPD, and DPS.

DEPARTMENT OF JUSTICE. The Act appropriates \$15.76 million to DOJ, which represents an increase of \$961,000 compared to FY 2008-2009 appropriations.

DOJ is authorized to transfer moneys from the Victim Compensation Fund to the Victim Assistance Grant Program.

DOJ is authorized to establish the rates at which the department awards compensation for medical care expenses from the Victim Compensation Fund. If DOJ awards compensation in full and the medical provider accepts the payment, the medical care provider shall hold harmless the victim for any amount not collected that is more than the rate established by DOJ.

For the fiscal period beginning July 1, 2008, and ending June 30, 2011, the annual appropriations to DOJ from the Consumer Education and Litigation Fund in Code Section 714.16C are increased. The Act permits the moneys appropriated from the fund to be allocated to the Victim Compensation Fund for cash flow purposes, if the moneys so allocated are returned to the Consumer Education and Litigation Fund by the end of each

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fiscal year an allocation occurs. The provision takes effect May 26, 2009, and applies retroactively to April 1, 2009.

DOJ is required to cooperate with the Auditor of State in preparing a report detailing reimbursement moneys received by the department for services performed on behalf of state agencies.

DEPARTMENT OF CORRECTIONS. The Act appropriates \$354.35 million to DOC, which represents a decrease of \$10.8 million compared to FY 2008-2009. However, nearly \$15 million is appropriated to DOC from the federal Stimulus Package.

DOC is required to operate the John Bennett facility either as an institution of the department or a community-based correctional facility.

DOC is required to study the use of paramedics at correctional institutions and, detailing the study by January 15, 2010, file a report with the ranking members of the Joint Appropriations Subcommittee on the Justice System and the Legislative Services Agency.

DOC is required to implement a centralized pharmacy during the fiscal year beginning July 1, 2009.

Under the Act, a contract is not required for improvements at a state institution where the labor of inmates is used and the estimated cost of the improvement does not exceed \$50,000. Under prior law, an improvement using inmate labor could not exceed \$25,000.

DOC is authorized to reallocate appropriated funds between its institutions, the department's administration, and the judicial district departments of correctional services. The department, prior to the effective date of any reallocation, must provide notice to the Department of Management, the Legislative Services Agency, and the district board of any judicial district department of correctional services affected by the reallocation.

As a condition of receiving an appropriation, the Fifth Judicial District Department of Correctional Services shall reinstate 67 beds in buildings 65 and 66 at the Fort Des Moines facility, in addition to maintaining the 199 beds in buildings 68 and 70 at the Fort Des Moines facility.

STATE PUBLIC DEFENDER. The Act appropriates \$45.75 million to the Office of State Public Defender, which represents a decrease of \$6.53 million compared to FY 2008-2009.

Code Section 13B.4 is amended to allow the Office of State Public Defender to enter into a contract with an attorney designating that the attorney provide legal services to eligible indigent persons as the State Public Defender's designee. If the State Public Defender files such a designation in a county, the attorney shall be appointed by the court to represent all eligible indigent persons in all cases specified in the designation. Under prior law, only a nonprofit organization was allowed to act as the State Public Defender's designee in a county where such a designation exists.

Code Section 13B.4 is also amended to specify that the State Public Defender may deny a claim for indigent defense fees and expenses if the attorney was appointed contrary to the provisions of Code Section 815.10 (appointment of counsel by court). The State Public Defender may deny a claim for indigent defense fees and expenses for an appeal if the attorney previously represented the indigent person pursuant to a representation agreement, and the attorney fails to provide the State Public Defender a copy of the agreement and any information about moneys earned up until the time of appointment.

IOWA LAW ENFORCEMENT ACADEMY. The Act appropriates \$1.17 million to ILEA, which represents a decrease of \$109,000 compared to FY 2008-2009.

Code Section 80B.11B is addressed to provide that for FY 2009-2010 ILEA may charge a department of the state, a member of a police force, or any political subdivision of the state more than one-half of the cost to provide the basic training course for a law enforcement officer, provided a majority of the Iowa Law Enforcement Council approves such a charge. Prior law prohibited ILEA from charging more than one-half of the cost of providing the basic training course.

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BOARD OF PAROLE. The Act appropriates \$1.16 million to the Board of Parole, which represents a decrease of \$91,000 compared to FY 2008-2009.

DEPARTMENT OF PUBLIC DEFENSE. The Act appropriates \$8.29 million to DPD, which represents a decrease of \$287,000 compared to FY 2009-2010. However, \$180,000 in federal stimulus funds is appropriated in H.F. 820.

The Act also appropriates moneys, not to exceed \$200,000, from the Wireless E911 Emergency Communications Fund to the Homeland Security and Emergency Management Division for implementation, support, and maintenance of the functions of the administrator and program manager of the E911 emergency system.

DEPARTMENT OF PUBLIC SAFETY. The Act appropriates \$87.41 million to DPS, which represents a decrease of \$1.58 million. However, \$750,000 in federal Stimulus Package moneys is appropriated in H.F. 820.

DPS may reallocate the funds appropriated to the department between its divisions. Prior to the effective date of any reallocation, the department must provide notice of the reallocation to the Department of Management and the Legislative Services Agency.

CIVIL RIGHTS COMMISSION. The Act appropriates \$1.53 million to the Civil Rights Commission, which represents a decrease of \$12,000 compared to FY 2008-2009.

Code Section 216.15 is amended to permit, but not require, the Iowa State Civil Rights Commission to serve a complaint on a respondent by regular or electronic mail. If the respondent does not respond to the service by regular or electronic mail within 90 days of the mailing, the commission must serve the complaint on the respondent by certified mail within 20 days of the expiration of the 90-day response period to service by regular or electronic mail. Under prior law, a complaint was required to be served on the respondent within 20 days of being filed by certified mail.

Code Section 216.15 is also amended to allow the Iowa State Civil Rights Commission to issue a notice, determination, order, subpoena, request, correspondence, or any other document issued by the commission, by electronic mail and to permit a party to a complaint to file a response, a document, information, or other material by electronic mail.

New Code Section 216.21 permits the Iowa State Civil Rights Commission to mail certain documents to a party to a complaint or the attorney for the party, but not to both.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

1. A provision eliminating the Chief Security Officer position within DOC by June 30, 2011.
2. A provision requiring a judicial district department of correctional services to accept any offender transferred from another judicial district department of correctional services.

SENATE FILE 477 - Appropriations Bonding, Vertical Infrastructure Capitals Funding, and Alternative Energy Loans Fiscal Analysis

BY COMMITTEE ON APPROPRIATIONS. This Act authorizes the Treasurer of State to issue annual appropriation bonds; creates an Annual Appropriation Bonds Debt Service Fund, an Appropriations Bonds Capitals Fund, and a Vertical Infrastructure Restricted Capitals Fund; and makes appropriations from various funds.

ANNUAL APPROPRIATION BONDS. The Act authorizes the Treasurer of State to issue annual appropriation bonds in amounts which provide aggregate net proceeds of not more than \$105 million for purposes of alternative energy projects and for purposes of the Vertical Infrastructure Restricted Capitals Fund created in Code Section 8.57D in the Act. The Treasurer of State may issue such annual appropriation bonds as the Treasurer of State determines necessary or desirable to pay for expenditures for certain infrastructure projects and other purposes as provided in the Act, to the extent practicable in any fiscal year and without limiting

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other qualifying capital expenditures considered and approved by a constitutional majority of each house of the General Assembly and the Governor and to provide sufficient funds for the payment of interest on the annual appropriation bonds, the establishment of reserves with respect to the annual appropriation bonds, the payment of costs of issuance of the annual appropriation bonds, the payment of other expenditures of the Treasurer of State incident to and necessary or convenient in connection with the issuance of the annual appropriation bonds, and the payment of all other expenditures necessary or convenient to carry out the purposes for which the annual appropriation bonds are issued.

The Act defines "annual appropriation bonds" as bonds, notes, or other evidences of obligations of the state which may be payable during a fiscal year from one or more of the following sources, subject to the limitations in the Act:

1. Moneys appropriated by law for the payment of debt service due with respect to the annual appropriation bonds during that fiscal year.
2. Proceeds of the sale of the annual appropriation bonds.
3. Payments received under authorizing documents and other agreements and ancillary arrangements entered into with respect to the annual appropriation bonds.
4. Investment earnings on amounts described in paragraphs 1 through 3.

Annual appropriation bonds are payable in any fiscal year solely and only out of the moneys, assets, or revenues appropriated for such purposes by law for that fiscal year, all of which amounts, once appropriated, shall be deposited into the Annual Appropriation Bonds Debt Service Fund and used or transferred to pay debt service due with respect to annual appropriation bonds during the fiscal year for which such amounts are appropriated. Annual appropriation bonds are not an obligation, indebtedness, or debt of the state, or a charge against the general credit or General Fund of the State, and the state shall not be liable for the payment of any amounts due under any annual appropriation bonds except from moneys appropriated by law for the payment thereof as provided under the Act. The annual appropriation bonds are not secured by any pledge of the faith and credit or the taxing powers of the state. Annual appropriation bonds shall not directly or indirectly obligate the state to make payments thereon beyond any fiscal year for which sufficient funds have been appropriated by law for such purpose.

In the event that funds are not appropriated for any fiscal year in an amount sufficient to make the payments of principal and interest and any other amounts due under the annual appropriation bonds during such fiscal year, the state's obligations under the annual appropriation bonds shall terminate and become null and void on the last day of the fiscal year for which funds were appropriated in an amount sufficient to make the payments of principal and interest and any other amounts due under the annual appropriation bonds for such fiscal year.

Annual appropriation bonds issued under the Act are declared to be issued for an essential public and governmental purpose and all annual appropriation bonds issued under the Act shall be exempt from taxation by the state of Iowa and the interest on the annual appropriation bonds shall be exempt from the state income tax and the state inheritance tax.

Amounts appropriated pursuant to the Act are not subject to a uniform reduction in accordance with Code Section 8.31.

The authority of the Treasurer of State to issue one or more series of annual appropriation bonds under the Act applies to bonds issued on or after July 1, 2010.

ANNUAL APPROPRIATION BONDS DEBT SERVICE FUND AND RESERVE FUNDS. The Act creates an Annual Appropriation Bonds Debt Service Fund as a separate and distinct fund in the State Treasury. Any amounts lawfully appropriated to make payments due with respect to annual appropriation bonds for a fiscal year shall be deposited into the fund and used by the Treasurer of State or transferred to a trustee, paying agent, escrow

agent, or depository as provided in the authorizing documents to make payments due with respect to the annual appropriation bonds for that fiscal year.

The Treasurer of State may create and establish one or more reserve funds with respect to the annual appropriation bonds to be used as provided in the Act and the authorizing documents.

APPROPRIATION BONDS CAPITALS FUND. The Act creates an Appropriation Bonds Capitals Fund as a separate fund in the State Treasury. Revenue for the Appropriation Bonds Capitals Fund shall include but is not limited to the net proceeds of bonds issued pursuant to the Act and investment earnings on the net proceeds; interest attributable to investment of moneys in the fund or an account of the fund; and moneys in the form of a devise, gift, bequest, donation, federal or other grant, reimbursement, repayment, judgment, transfer, payment, or appropriation from any source intended to be used for the purposes of the fund.

Moneys in the fund in a fiscal year shall be used as appropriated by the General Assembly for certain infrastructure projects and other purposes to the extent practicable in any fiscal year and without limiting other qualifying capital expenditures considered and approved by a constitutional majority of each house of the General Assembly and the Governor. Annually, on or before January 15 of each year, a state agency that received an appropriation from the Appropriation Bonds Capitals Fund shall report to the Legislative Services Agency and the Department of Management in detail the status of all projects completed or in progress. In addition, annually, on or before December 31 of each year, a recipient of moneys from the Appropriation Bonds Capitals Fund for any purpose shall provide a similar report to the state agency to which the moneys are appropriated.

VERTICAL INFRASTRUCTURE RESTRICTED CAPITALS FUND. The Act creates a Vertical Infrastructure Restricted Capitals Fund in the State Treasury under the authority of the Department of Management consisting of appropriations made to the fund. Moneys in the fund in a fiscal year shall be used as appropriated by the General Assembly for public vertical infrastructure projects. For the purposes of the Act, "vertical infrastructure" includes only land acquisition and construction, major renovation, and major repair of buildings, all appurtenant structures, utilities, and site development but does not include routine, recurring maintenance, debt service, or operational expenses or leasing of a building, appurtenant structure, or utility without a lease-purchase agreement. The Act appropriates \$100 million from the Appropriation Bonds Capitals Fund to the Vertical Infrastructure Restricted Capitals Fund for FY 2010-2011. Annually, on or before January 15 of each year, a state agency that received an appropriation from the Vertical Infrastructure Restricted Capitals Fund shall report to the Legislative Services Agency and the Department of Management in detail the status of all projects completed or in progress. In addition, annually, on or before December 31 of each year, a recipient of moneys from the Vertical Infrastructure Restricted Capitals Fund for any purpose shall provide a similar report to the state agency to which the moneys are appropriated. Payment of moneys appropriated from the fund shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the Treasurer of State.

IOWA ENERGY CENTER APPROPRIATION. The Act appropriates \$5 million from the Appropriation Bonds Capitals Fund to the Iowa Energy Center for FY 2010-2011 for deposit into the Alternate Energy Revolving Loan Fund created in Code Section 476.46 to encourage the development of alternate energy production facilities and small hydro facilities. Any award of loans to private individuals or organizations under this appropriation must be for the public purposes of encouraging the development of alternate energy production facilities and small hydro facilities within the state in order to conserve finite and expensive energy resources and to provide for their most efficient use. Funds from bond proceeds shall not be used for administration or planning purposes.

[SENATE FILE 478](#) - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes [Fiscal Analysis](#)

BY COMMITTEE ON APPROPRIATIONS. This Act, often referred to as the "standings bill," makes, reduces, and transfers appropriations, provides for salaries and compensation of state employees, and covers other properly related matters. The Act is organized into divisions.

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Division I — MH/MR/DD Services Allowed Growth Funding — FY 2010-2011

Division I appropriates approximately \$62 million in funding for the FY 2010-2011 mental health, mental retardation, and developmental disabilities services allowed growth funding payments to counties.

Division II — Standing Appropriations and Related Matters

For the budget process applicable to FY 2010-2011, state agencies are required to submit estimates and other expenditure information as called for by the Director of the Department of Management (DOM) after consultation with the director instead of the information required under Code Section 8.23.

The appropriations made for expenses of the General Assembly under Code Section 2.12 are to be reduced by \$4,439,653.

The division limits standing appropriations for FY 2009-2010 made for the following purposes: nonpublic school transportation, the state's share of the cost of the peace officers' retirement benefits, operational support grants and community cultural grants, regional tourism marketing, the Iowa Power Fund, the enforcement of Code Chapter 453D relating to tobacco product manufacturers, the Center for Congenital and Inherited Disorders central registry, primary and secondary child abuse prevention programs, and programs for at-risk children. Division II eliminates a standing appropriation for FY 2009-2010 for instructional support state aid.

Of moneys received on or after July 1, 2008, by the Iowa Veterans Home from the federal government relating to the costs to improve and renovate a medical clinic at the home in a previous fiscal year, \$727,000 shall be credited to the General Fund of the State on or after July 1, 2009. These provisions take effect May 26, 2009, and are retroactively applicable to July 1, 2008.

The division transfers unobligated moneys in the Federal Economic Stimulus and Jobs Holding Account to the General Fund of the State. These provisions take effect May 26, 2009.

The division requires the University of Northern Iowa to maintain efforts of the Iowa Mathematics and Science Coalition.

For FY 2009-2010, the following property tax credits are funded from the Property Tax Credit Fund created in the division instead of entirely funded from the General Fund of the State: homestead, agricultural land and family farm, military service, and elderly and disabled tax credit and reimbursement. Moneys for the fund came from the following sources: FY 2009-2010 General Fund of the State appropriation (\$101.3 million) and FY 2009-2010 appropriation from the Cash Reserve Fund (\$54.6 million). These provisions take effect May 26, 2009.

The division appropriates \$25.6 million from the Cash Reserve Fund to the Executive Council for FY 2009-2010 for performance of duty by the Executive Council and this appropriation is to be used prior to the standing appropriation made from the General Fund of the State for the same purpose.

The division appropriates \$65 million from the Cash Reserve Fund to the General Fund of the State for FY 2009-2010.

The division provides that Code Section 8.56, subsections 3 and 4, involving requirements for use of the funds, fiscal year of appropriation, and procedural restrictions, do not apply to any appropriations made in the division from the Cash Reserve Fund.

The contingent appropriation under Code Section 8.57, subsection 1, of up to 1 percent of the adjusted revenue estimate for FY 2009-2010 from the General Fund of the State to the Cash Reserve Fund in the event of the FY 2008-2009 ending balance distribution was insufficient to bring the fund to the designated level, shall not be made for FY 2009-2010.

The division eliminates a standing limited appropriation to the County of Tama for the salary and expenses of a deputy sheriff to provide law enforcement on the Sac and Fox Indian Settlement.

Division III — Salaries, Compensation, and Related Matters

Division III relates to the funding for FY 2009-2010 of salary increases for state-appointed nonelected officers, justices, judges, magistrates, employees subject to collective bargaining agreements, certain noncontract employees, and State Board of Regents employees.

The division provides that pay adjustments, expense reimbursements, and related benefits for employees under collective bargaining agreements must be fully funded using available funding sources.

For noncontract state employees for FY 2009-2010, the maximum and minimum salary levels shall not increase, employees may receive a step increase, the pay plan for noncontract judicial branch employees shall not be increased, and pay plans for state employees who are exempt from the state's merit system and other aspects of Code Chapter 8A, Subchapter IV, and who are included in the Department of Administrative Services' Centralized Payroll System shall not be increased.

For FY 2009-2010, employees of the executive branch, legislative branch, and judicial branch are prohibited from receiving bonus pay unless otherwise authorized by law, required pursuant to an employment contract entered into before July 1, 2009, or required pursuant to a collective bargaining agreement. These prohibitions do not apply to employees of the State Board of Regents.

The division provides that all federal grants to and the federal receipts of the agencies are appropriated for salary-related purposes and as set forth in the federal grants or receipts.

Sworn peace officers in the Department of Public Safety who are not covered by a collective bargaining agreement are authorized to receive the same per diem meal allowance that officers under a collective bargaining agreement receive.

The division provides for the Salary Model Administrator to work in conjunction with DOM and the Legislative Services Agency to analyze, compare, and project state salary and benefit information.

The Department of Administrative Services is required to consult with DOM and discuss and collaborate with executive branch agencies to implement and maintain a policy for increasing the aggregate ratio in the number of employees per supervisor in executive branch agencies to be 14 employees for one supervisor.

Division IV — Corrective Provisions

Division IV makes corrections to legislation enacted or considered during the 2009 Legislative Session.

Division V — Judicial Branch Fees — Appropriations

Division V increases the filing and docketing fee for most civil petitions from \$100 to \$185. The filing fee and docketing fee for a petition pursuant to Code Chapter 598 other than a dissolution of marriage petition remains at \$100. The filing and docketing fee for an adoption petition also remains at \$100. The filing and docketing fee for an application for modification of a dissolution decree if a written stipulation containing the agreement of the parties is attached at the time of filing is increased from \$50 to \$100.

The division increases fees as follows:

- For an appeal from a judgment in small claims from \$75 to \$185.
- For filing and docketing a writ of error from \$75 to \$185.
- For filing, entering, and endorsing a mechanic's lien from \$20 to \$50; and for entering any other statutory lien from \$20 to \$50.

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- For a certificate and seal from \$10 to \$20.
- For certifying the change in title of real estate from \$20 to \$50.
- For the filing and docketing of a complaint or information for a simple misdemeanor from \$50 to \$60.
- For the filing and docketing of a complaint or information for a nonscheduled simple misdemeanor under Code Chapter 321 from \$50 to \$60.
- For an appeal of a simple misdemeanor to district court from \$50 to \$75.
- For the services of a court reporter from \$15 per day to \$40 per day.
- For filing and docketing a small claims case from \$50 to \$85.

The division increases the court costs in a scheduled violation case where a court appearance is required from \$50 to \$60; and where a court appearance is not required from \$50 to \$60.

The division creates a fee for filing a notice of lis pendens with the clerk of the district court, and sets the fee at \$50.

Under the division, for each \$25,000 incremental value of an estate that exceeds \$25,000, a \$50 fee is assessed. Previous law assessed a \$25 fee for each \$25,000 incremental value of an estate that exceeds \$25,000.

The criminal penalty surcharge assessed against a fine or forfeiture is increased from 32 percent to 35 percent.

The provisions increasing fees and the criminal penalty surcharge take effect May 26, 2009.

The division increases the FY 2009-2010 appropriation from the General Fund of the State to the judicial branch in S.F. 472 from \$149,184,957 to \$160,184,957. As a condition of the increased appropriation the judicial branch must allocate the first \$5.4 million of the increased amount as follows: \$4.8 million for the state's required contribution to the Judicial Retirement Fund, \$350,000 for court debt collection, and \$250,000 for judicial officer and court employee travel reimbursement for civil trials.

The division also appropriates \$760,000 in FY 2009 from the General Fund of the State to the judicial branch for operating expenses. This provision takes effect May 26, 2009.

Appropriations are made in FY 2009-2010 from the General Fund of the State to the Department of Corrections for maintaining drug courts in each of the judicial district departments of correctional services.

The division makes an appropriation in the amount of \$1.58 million in FY 2009-2010 from the General Fund of the State to the Department of Public Safety for operating expenses.

The division makes an appropriation in the amount of \$1 million in FY 2009-2010 from the General Fund of the State to the Department of Justice to be used for victim assistance grants.

The division encourages each judicial district to implement a family law mediation program pursuant to Code Section 598.7.

Division VI — Transportation Provisions

Division VI appropriates moneys from the Primary Road Fund to the Department of Transportation (DOT) for FY 2008-2009 for the purchase of salt. The provision takes effect May 26, 2009.

The division allows certain persons to obtain junking certificates for more than six vehicles subject to registration in a 12-month period.

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Moneys are appropriated from the Road Use Tax Fund to the DOT for FY 2009-2010 to reimburse the City of Muscatine for costs associated with renaming a highway "Dick Drake Way" pursuant to Code Section 314.29.

Moneys are appropriated from the Road Use Tax Fund to the DOT for FY 2009-2010 for payments pursuant to Code Section 307.45 to the City of Cedar Falls for certain road improvements.

The division eliminates certain restrictions on the ability of a city or county to assess the cost of a public improvement against the state when the improvement benefits property owned by the state and under the jurisdiction and control of the DOT's Administrator of Highways.

Division VII — Miscellaneous Appropriations

Division VII provides new appropriations and revises existing appropriations.

Moneys are appropriated from the General Fund of the State for FY 2009-2010 to the following entities for the following purposes:

- The Council on Homelessness for payment of expenses general public members of the council incurred while engaged in official council duties.
- The Department of Education, Vocational Rehabilitation Services Division, for a program for farmers with disabilities.
- The Racing and Gaming Commission for racetrack regulation and excursion boat and gambling structure regulation.
- The College Student Aid Commission for tuition grants.
- The Department of Revenue for salaries, support, and maintenance.
- The offices of the Governor and the Lieutenant Governor for salaries, support, and maintenance.
- The Office of Energy Independence for deposit in the Iowa Power Fund.
- The Department of Transportation for infrastructure improvements at the commercial service airports within the state.
- The Department of Education for school districts to provide direct services to the most at-risk senior high school students through direct intervention by a Jobs for America's Graduates specialist.
- The Department of Workforce Development for enhancing efforts to investigate employers that misclassify workers.

The division shifts appropriations made to the State Board of Regents from the General Fund of the State to the Department of Human Services for purposes of increasing the federal matching funds available through the Medicaid program for the University of Iowa Hospitals and Clinics.

The division transfers moneys appropriated to the Department of Agriculture and Land Stewardship to Iowa State University of Science and Technology to be used for the university's Midwest Grape and Wine Industry Institute.

The division appropriates moneys from the Special Employment Security Contingency Fund to the Department of Workforce Development for FY 2009-2010 for field offices. The division allows the department, for FY 2009-2010, to use up to \$250,000 from the Employment Security Contingency Fund for enhancing efforts to investigate employers that misclassify workers.

The division appropriates moneys from the General Fund of the State to the Office of State Public Defender of the Department of Inspections and Appeals for FY 2008-2009 for the Indigent Defense Program. These provisions take effect May 26, 2009.

Division VIII — Miscellaneous Statutory Changes

Division VIII requires the governing board of the county land record information system to terminate any existing contract with a project manager if such termination prior to the end of the contract term is permitted under the contract. This requirement was contingent upon enactment of S.F. 465 (see Local Government), and takes effect May 26, 2009.

The division requires certain portions of the property of the Glenwood State Resource Center to be transferred to the jurisdiction of the Department of Natural Resources.

The division allows a property tax exemption for certain property owners for property located in a county declared a disaster area in calendar year 2008. This provision takes effect May 26, 2009.

Instead of continuing the practice of enacting a joint resolution, the Executive Council is designated to authorize the temporary use and consumption of alcoholic beverages in the State Capitol Building or on the State Capitol Complex grounds.

The division updates the version of the Internal Revenue Code used for certain research activities tax credits. These provisions take effect May 26, 2009.

The division eliminates the Housing Assistance Program alternative that an eligible business may provide under the Enterprise Zone Program.

The Endow Iowa Program is revised by increasing the total aggregate limit of tax credit issued under the program to \$3 million, increasing the percentage of contribution that may be claimed to 25 percent, and eliminating the ability to take a deduction on a contribution for which a taxpayer is claiming a credit under the program. These provisions take effect January 1, 2010, and apply to tax years beginning on or after that date.

The division requires governmental entities to ensure that sufficient paper copies of plans, specifications, and estimated total costs of proposed public improvement projects are available for prospective bidders.

The division provides public appointment and employment preference for veterans over other applicants of no greater qualifications. Veterans are required to be given additional points in civil service examinations and appointments.

The division amends workers' compensation provisions relating to benefits due to injuries occurring outside the state and the award of benefits when an employer or insurance carrier denies, delays, or terminates benefits without reasonable or probable cause or excuse.

The maximum permissible duration for a shared work unemployment compensation program plan is increased from 26 weeks to 52 weeks and a prohibition is eliminated that an individual is not eligible to receive shared work benefits for more than 26 weeks during the individual's benefit year.

The division increases the maximum permissible merchandise value from \$5 to \$50 for prizes awarded by an electrical or mechanical amusement device.

The term "farm" is defined for purposes of Code Chapter 103 relating to electricians and electrical contractors. An employee of a farm is not required to hold a license while acting within the scope of their employment and the type of farm employee that is included in this prohibition is defined. A county is prohibited from performing electrical inspections on a farm or farm residence. The division prohibits a state electrical inspection fee from being assessed for an event benefiting a nonprofit association representing volunteer service providers.

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The division eliminates a requirement that biodiesel fuel be designated according to its classification in advertising. A wholesale dealer of ethanol blended gasoline or biodiesel blended fuel must provide a purchaser with a statement indicating the fuel blend designation. A loading invoice for transporting motor fuel must state the fuel blend designation when ethanol blended gasoline or biodiesel blended fuel is transported. The division provides requirements for selling ethanol blended gasoline from a motor fuel pump.

The division subjects certain motorcycles and motorized bicycles purchased for lease to a new vehicle registration fee.

The requirement for the placement and maintenance of signs warning of the operation of all-terrain vehicles on a roadway is eliminated.

The division allows a board of supervisors to adopt a decrease in compensation paid to supervisors irrespective of the recommended compensation schedule or other approved changes in compensation paid to other elected county officers.

The division requires certain assessment rates and methods to be included in Municipal Utility Retirement System collective bargaining.

The Director of the Department of Revenue is authorized to require that a composite tax return be filed for nonresidents other than nonresident partners, members, beneficiaries or shareholders in partnerships, limited liability companies, trusts, or S corporations.

The division eliminates a small business assistive device tax credit for individual income taxes.

The division increases the standard for the exception to the penalty for making underpayments of estimated tax by corporations and financial institutions from 90 percent of the tax liability to the full amount of the tax liability. These provisions apply retroactively to January 1, 2009, for tax years beginning on or after that date.

The division provides that a sales tax exemption for casual sales does not apply to all-terrain vehicles, snowmobiles, off-road motorcycles, and off-road utility vehicles.

The sales price for transactions is exempted from the state sales tax taxable under state and local hotel and motel taxes. For state and local hotel and motel tax purposes, the term "lodging" does not include rooms that are not used for sleeping accommodations.

The division increases penalties for the illegal use of dyed fuel, the illegal importation of untaxed fuel, and the prevention of certain inspections.

The division allows counties to be eligible and apply for and receive local watershed improvement grants for water quality improvement projects.

The Utilities Board is required to establish a pilot project which will allow for a wind energy production tax credit.

A cemetery or pioneer cemetery is exempted from seizure, appropriation, or acquisition of title under any claim of adverse possession, unless disinterment or relocation requirements are met.

The division requires a magistrate to be an attorney licensed to practice law in this state. The division exempts from this requirement magistrates holding office on April 1, 2009.

On July 1, 2011, the division of H.F. 809 that relates to the creation of the Department of Commerce Revolving Fund is repealed.

The division makes two sections in H.F. 722 (see Natural Resources and Outdoor Recreation), relating to fishing and hunting fees, effective May 26, 2009. This provision takes effect May 26, 2009.

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The division makes a codified provision of S.F. 415 (see Local Government), noncodified. This provision relates to an account for city acquisition of disaster-affected property and takes effect May 26, 2009.

The division amends dates in 2007 Iowa Acts, Chapter 186, Sections 29 and 30, relating to the refund of property taxes. These provisions take effect May 26, 2009.

The livestock production tax credit and related standing appropriations and refund provisions are repealed. These provisions take effect May 26, 2009, and apply retroactively to November 1, 2008, for refund claims filed on or after that date.

Division IX — Education

Division IX appropriates moneys from the General Fund of the State or revises previous appropriations made to the following for the following education-related purposes:

- The State Board of Regents for FY 2009-2010, for the State School for the Deaf and the Iowa Braille and Sight Saving School.
- The Department of Education for FY 2009-2010, for general administrative purposes.
- The Department of Human Services, the State Board of Regents, and the Department of Education for FY 2009-2010, for Educational Excellence Program-related purposes.
- The Department of Education for FY 2009-2010, for allocation for deaf interpreters for arrangements made between the State School for the Deaf and Iowa Western Community College.
- The Department of Education, Vocational Rehabilitation Services Division, for FY 2009-2010, for costs associated with the Centers for Independent Living.
- The Department of Education to increase an appropriation made in 2006 Iowa Acts, Chapter 1182, for FY 2008-2009, for the Student Achievement and Teacher Quality Program. This provision takes effect May 26, 2009.

The Department of Education is required to convene a working group to review support programs and services for students affected by an increase in the compulsory attendance age. The division transfers to the department certain moneys appropriated in H.F. 820 from the Human Services Reinvestment Fund for costs associated with the working group.

The division requires area education agency boards to submit salary-related and benefits-related information to the Department of Education each year.

For FY 2009-2010, the College Student Aid Commission must pay a fee to Des Moines University — Osteopathic Medical Center for administration of the initiative to direct primary care physicians to shortage areas in the state.

Division X — Judicial Branch — Commission Elections

Division X moves certain administrative duties related to the elections for the judicial nominating commissioners from the Clerk of the Supreme Court to the State Court Administrator. The division allows voting in such elections to be by electronic notification and voting or by paper ballot mailed to each eligible attorney. A requirement that the Clerk of the Supreme Court provide a list of members of the bar who are eligible to vote in a county to the clerk of the district court of that county is eliminated. The division eliminates certain notification requirements regarding openings and nomination procedures on judicial nominating commissions.

This division takes effect May 26, 2009.

Division XI — Judicial Officer Vacancies

Division XI amends the applicability time periods stated in H.F. 414, Section 54, relating to the delay of judicial appointments. These provisions take effect May 26, 2009, and are retroactively applicable to March 16, 2009.

Division XII — Disaster Assistance

Division XII amends H.F. 64 to change provisions relating to the priority of forgivable loans awarded under the Jumpstart Housing Assistance Program, reduces an appropriation from the Iowa Economic Emergency Fund for FY 2008-2009 to the Department of Human Services for providing Individual Disaster Assistance Grant for Unmet Needs; and to change costs for which an area long-term recovery committee may be reimbursed.

The division appropriates \$1.15 million from the Iowa Economic Emergency Fund to the Rebuild Iowa Office for FY 2008-2009 for distribution to certain cities and counties impacted by tornadoes during 2008.

The division appropriates \$1 million from the Iowa Economic Emergency Fund to the Rebuild Iowa Office for FY 2008-2009 for distribution to area long-term recovery committees.

The division takes effect May 26, 2009.

Division XIII — Health and Human Services

Division XIII requires the Department of Human Services to explore incorporating data mining, predictive modeling, and data analytics to address provider overpayments, underpayments, and fraud within the Iowa Medicaid Enterprise. These provisions take effect May 26, 2009.

The application dates for assistance from the risk pool created in Code Section 426B.5 are made earlier for FY 2009-2010.

The division provides criteria for a child deemed to meet the acuity criteria for medically necessary inpatient benefits in a psychiatric medical institution for children under a group policy, contract, or plan providing for third-party payment or prepayment of health, medical, and surgical coverage benefits by a carrier or by an organized delivery system.

A contract, policy, or plan providing for third-party payment or prepayment for cancer treatment is prohibited from discriminating between coverage benefits for certain anticancer medications.

The division provides nonreversion provisions for an FY 2008-2009 appropriation to the Department of Human Services for certain family planning services in 2008 Iowa Acts, Chapter 1187, Section 29. These provisions take effect May 26, 2009.

The designated membership of a requested interim study committee for pharmacy-related issues in H.F. 811 is expanded.

Division XIV — Economic Development — Workforce Development

Division XIV creates a Disaster Assistance Loan and Credit Guarantee Program and Fund to be administered by the Department of Economic Development. Under the program, loan and credit guarantees are given to qualifying businesses. Qualifying businesses include businesses directly impacted by a natural disaster occurring after May 24, 2008, and before August 14, 2008; businesses either locating a business or starting a new business in a disaster-impacted space in an area which was declared a disaster area by the President of the United States due to a natural disaster occurring after May 24, 2008, and before August 14, 2008; and businesses filling a critical community need in conformance with the comprehensive plan of the city. The division provides that for FY 2008-2009, the Iowa Power Fund Board may allocate up to \$1.8 million for purposes of the fund. These provisions take effect May 26, 2009.

The Legislative Council is required to establish a job training interim study committee to examine job training issues.

The division adds nonvoting, ex officio members to the Generation Iowa Commission, changes the method for selecting the chairperson and vice chairperson of the commission, adds an executive council to the commission, alters the duties of the commission, and requires meetings to be conducted on at least a bimonthly basis.

The Department of Workforce Development, Division of Workers' Compensation, is required to charge a \$100 filing fee for workers' compensation cases.

The division adds a nonreversion provision to an appropriation in 2008 Iowa Acts, Chapter 1178, relating to Community Microenterprise Development Organization Grants. This provision takes effect May 26, 2009.

Division XV — Data Centers

Division XV provides a set of tax incentives to certain data center businesses. The incentives are provided on a graduated scale, based on the relative size of the investment a business makes in the state. To be eligible for the incentives, the business must be operating a data center. A data center is a building rehabilitated or constructed to house a group of networked server computers in one physical location in order to centralize the storage, management, and dissemination of data and information pertaining to a particular business, taxonomy, or body of knowledge. Data centers also typically include certain physical and security infrastructure necessary to operate and protect the computers.

A business investing at least \$200 million is eligible for a permanent sales tax exemption and a property tax exemption. The property tax exemption does not include land or buildings. The sales tax exemption covers the sales price of certain computer-related equipment, backup power generation fuel, and electricity. To qualify, the data center must have a physical location in the state that is at least 5,000 square feet in size and that is used for the operations and maintenance of the data center business. The data center must comply with the sustainable design and construction standards set by the State Building Code Commissioner.

A business investing at least \$1 million, but less than \$200 million, is eligible for a 50 percent sales tax refund. The refund is available for varying periods of time, with the length of time determined by the amount of the investment.

To qualify for a refund, a data center business must have a physical location in the state that is at least 5,000 square feet and must comply with the sustainable design and construction standards set by the State Building Code Commissioner.

The sales and use tax refunds provided in this division apply to sales and use taxes paid on or after July 1, 2009.

Division XVI — Contractor Registration

Division XVI increases the registration fee for construction contractors from \$25 to \$50 and makes the fee an annual fee. The division allows an out-of-state contractor to file a blanket bond for a two-year period. The division creates a Contractor Registration Fund consisting of moneys collected in fees. Moneys in the fund are to be used to pay actual costs and expenses necessary to perform the duties of the Labor Commissioner and the Division of Labor. The division allows emergency rules to be adopted and allows the commissioner to use moneys in the Boiler and Pressure Vessel Safety Revolving Fund for initial cash flow purposes.

Division XVII — Child Care Regulatory Fee

Division XVII authorizes the Department of Human Services to impose a regulatory fee on licensed child care centers and voluntarily licensed child development homes and requires a fingerprint-based national criminal record check through the Federal Bureau of Investigation of the employees of licensed child care centers and child development homes that are voluntarily licensed. A legislative intent statement expresses the goal of requiring licensure of all child development homes beginning July 1, 2013, and including exemptions for child

care provided by relatives, for before and after school child care provided to the children of friends and neighbors, and for children of an unrelated family.

The regulatory fee is imposed in tiered amounts based upon a child care facility's capacity and the child development home category. The maximum regulatory fee for a child care center is \$150; for most child development homes, \$150; and for the child development homes that can operate with the largest capacity, \$187. The purpose of the regulatory fee is to augment existing funding for regulation of child care facilities in order to phase in annual inspections of child development homes and improve inspections of child care centers.

While phasing in the annual inspection of child development homes, the department is required to give priority to those homes that voluntarily became licensed and paid the regulatory fee. The department is required to make inspection results publicly available through the department's child care Internet website and other means. The fee proceeds are credited to a new Child Care Facility Fund, which is appropriated to the department for regulatory costs, record checks, technology expenses, and grants and fee waivers.

The national criminal record check must be repeated every four years and is phased in on or after January 1, 2010, at the time of initial licensure or renewal. Once the national criminal record check becomes applicable for a center, the department is no longer responsible for the cost of the national or state level record checks. However, the department remains responsible for the cost of such checks performed in connection with child development homes.

The voluntary licensure of child development homes begins on or after July 1, 2010, in accordance with rules to be adopted by the department. The department is required to perform various transition activities, including implementation of an ongoing public awareness campaign, incrementally phasing in an annual inspection of each child development home by the fiscal year beginning July 1, 2013, and developing a plan for a sustainable funding source for the costs that would be incurred by child care providers if the legislative intent of requiring child development home licensing is implemented.

Division XVIII — Automobile Racetrack Facilities

Division XVIII changes the threshold percentage for determining local ownership and control of automobile racetrack facilities. The division provides that the sales tax rebate to the owners of automobile racetrack facilities ceases upon a change of control of the facility. Previously, the rebate also ceased upon the sale or transfer of the facility to a party other than the original owner of the facility.

Division XIX — Hunting

As an exception to the general prohibition against using live birds as targets, Division XIX allows a person to shoot a bird that is released a minimum of 50 yards from that person on a licensed hunting preserve.

The division increases certain nonresident hunting license fees.

The division takes effect May 26, 2009.

Division XX — Nonprofit Youth Athletic Groups

Division XX provides a sales tax exemption to nonprofit youth athletic groups, which includes certain fundraising proceeds. The division provides for the refund of taxes, interest, and penalties paid which arise from the exemption of sales tax on sales occurring between July 1, 1998, and May 26, 2009. The limitation for all refund claims is \$50,000, and if the amount of claims timely filed is more than \$50,000, the Department of Revenue shall prorate the \$50,000 among the groups that have valid claims.

The exemption takes effect May 26, 2009, and applies retroactively to July 1, 1998.

Division XXI — Magistrates

Division XXI provides that if the State Court Administrator fails to give notice required in Code Section 602.6401 by March of each year in which magistrates' terms expire, the magistrate apportionment in effect remains in effect through the succeeding magistrates' terms, and any reapportionment performed is void until such succeeding terms expire.

This division takes effect May 26, 2009, and applies retroactively to January 1, 2009, to void any apportionment for which notice was not properly given by March of 2009.

Division XXII — Methane Gas Conversion Property

Division XXII expands property tax exemption eligibility for methane gas conversion property by allowing the exemption for property used in an operation to decompose waste and convert the waste to gas, to collect methane gas or other gases produced as a by-product of waste decomposition and to convert the gas to energy, or to collect waste to produce methane gas or other gases and to convert the gas to energy. Previously, the exemption was only available to property connected with, or in conjunction with, a publicly owned sanitary landfill. With respect to methane gas conversion property other than that used in an operation connected with, or in conjunction with, a publicly owned sanitary landfill, the exemption is limited to property originally placed in operation on or after January 1, 2008, and on or before December 31, 2012, and is available for the 10-year period following the date the property was originally placed in operation.

This division takes effect May 26, 2009, and applies retroactively to assessment years beginning on or after January 1, 2008.

Division XXIII — City Franchise Fees and City Utilities

Division XXIII provides that a city franchise fee may be based upon a percentage of gross revenues generated from sales of the franchisee within the city not to exceed 5 percent, without regard to the city's cost of inspecting, supervising, and otherwise regulating the franchise. Franchise fees collected pursuant to an ordinance in effect on May 26, 2009, and in excess of the amount to inspect, supervise, and regulate the franchise may be used by the city for any purpose authorized by law. However, franchise fees collected pursuant to an ordinance that is adopted or amended on or after May 26, 2009, must be credited to a franchise fee account within the city's general fund, as provided in new Code Section 384.3A, and used for the purposes specified in that section.

Before a city adopts or amends a franchise fee rate ordinance, a revenue purpose statement must be prepared and published.

The division establishes requirements for cities that operate gas or electric utilities and requirements for such utilities relating to the management of rights-of-way, the payment of fees and charges, and compliance with requirements imposed upon a franchisee providing a similar service.

The division takes effect May 26, 2009.

Division XXIV — Reports of Refunded Claims

Division XXIV creates reporting requirements for the Department of Revenue regarding research activities tax credits. The department must submit an annual report to the General Assembly providing the total amount of claims made and the portion of claims issued as refunds during the previous calendar year. The report shall contain the name of each claimant for whom a tax credit in excess of \$500,000 was issued and the amount of the credit received.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

1. A provision that would have required the Department of Administrative Services to conduct a job evaluation study of state employees for the purposes of determining whether the job classification and pay grade level of selected state employees are properly determined.
2. A provision that would have required the Department of Management to report to the General Assembly before a reduction in supervisors in the executive branch is implemented.
3. A provision that would have required the Department of Management to give priority to the elimination or reduction of middle management employee positions, to give priority to deferring or eliminating executive branch purchases and out-of-state travel before elimination of employee positions, and to make quarterly reports to the General Assembly regarding out-of-state travel.
4. A provision that would have provided that a person whose license to drive or driving privileges have been revoked is not eligible for a temporary restricted license for 45 days after the effective date of the revocation if the person has had one previous revocation, or for one year after the effective date of the revocation if the person has had more than one previous revocation.
5. A provision that would have eliminated an assistive device tax credit for corporate income taxes.
6. Provisions that would have begun the reporting requirement regarding research activities tax credits with claims filed on or after January 1, 2009.

[HOUSE FILE 64](#) - **Disaster Assistance — Appropriations, Grants, and Administration** **[Fiscal Analysis](#)**
BY COMMITTEE ON REBUILD IOWA AND DISASTER RECOVERY. This Act relates to disaster assistance by providing for Jumpstart Housing Assistance, unmet needs disaster grants, a Rebuild Iowa Office, and community disaster grants, and makes appropriations.

Division I — Jumpstart Housing Assistance

Division I appropriates \$24 million from the Iowa Economic Emergency Fund to the Iowa Finance Authority for FY 2008-2009 for the Jumpstart Housing Assistance Program. The division requires the authority to adopt rules for the program related to eligibility requirements and priorities for awarding forgivable loans under the program, and allows the authority to adopt emergency rules to implement the provisions of the division.

Division I takes effect February 2, 2009, and applies retroactively to September 1, 2008, and is applicable on and after that date.

Division II — Iowa Unmet Needs Disaster Grant Program

Division II appropriates \$10 million from the Iowa Economic Emergency Fund to the Department of Human Services for FY 2008-2009 for providing individual disaster grants for unmet needs.

Division II transfers \$250,000 of the appropriated moneys to the Individual Development Account State Match Fund to be used to provide the state match to certain account holders affected by a natural disaster occurring in 2008.

Division II requires the department to establish and administer an Iowa Unmet Needs Disaster Grant Program for purposes of reimbursing expenses for unmet needs for persons located in an area which was declared a disaster area by the President of the United States due to a disaster occurring after May 24, 2008, and before August 14, 2008. It provides participation eligibility requirements and identifies unmet needs expenses that are eligible for reimbursement. It allows an area long-term disaster committee to be reimbursed for administrative expenses in an amount not to exceed 3 percent of the grant moneys awarded for the area.

The division allows the department to adopt emergency rules to implement the provisions of the division.

Division II takes effect February 2, 2009, and applies retroactively to May 24, 2008, and is applicable on and after that date.

Division III — Community Disaster Grants

Division III appropriates \$22 million from the Iowa Economic Emergency Fund to the Department of Public Defense for the Homeland Security and Emergency Management Division for FY 2008-2009 for providing community disaster grants to cities and counties.

Grants shall be awarded to cities and counties based on their pro rata share of damage costs associated with presidential disaster declaration DR-1763-IA occurring after May 24, 2008, and before August 14, 2008, as calculated by obligated funds from the Federal Emergency Management Agency Individual Assistance Program and the Small Business Administration Disaster Loan Program. Every city or county in a disaster area shall receive at least \$2,000. The division provides for permissible uses of moneys awarded through grants. Applications for grants must be submitted by eligible grant recipients by April 1, 2009. Moneys allocated to an eligible grant recipient who does not complete and submit an application by April 1, 2009, shall be awarded on a pro rata basis. The division includes reporting requirements for grant recipients.

The division allows the department to adopt emergency rules to implement the provisions of the division.

Division III takes effect February 2, 2009.

Division IV — Rebuild Iowa Office

Division IV creates a Rebuild Iowa Office for purposes of coordinating the state activities associated with the rebuilding efforts following the declaration of a disaster area by the President of the United States after May 24, 2008, and before June 30, 2011. The Homeland Security and Emergency Management Division of the Department of Public Defense shall provide administrative support to the Rebuild Iowa Office. The division provides duties for the Rebuild Iowa Office and reporting requirements, and creates a coordinating council to facilitate communication between state agencies and the Rebuild Iowa Office.

Division IV is repealed June 30, 2011.

Division IV takes effect February 2, 2009, and applies retroactively to June 27, 2008, and applies on and after that date.

HOUSE FILE 414 - **Appropriation Reductions, Transfers, and Supplementals** **Fiscal Analysis**

BY COMMITTEE ON APPROPRIATIONS. This Act primarily relates to public funding and regulatory matters for FY 2008-2009 and makes, reduces, and transfers appropriations and revises fund amounts. The Act is organized into divisions and except for certain items, takes effect March 16, 2009.

DISASTER AND FLOOD RELIEF. Division I codifies the Jumpstart Housing Assistance Program under the Iowa Finance Authority and the Small Business Disaster Recovery Financial Assistance Program under the Department of Economic Development. New appropriations are made and existing appropriations are transferred for funding of the programs for FY 2008-2009.

The division specifies the appropriations and transfers apply in lieu of any transfers for the two programs, as reported by the Department of Management in the fiscal year beginning July 1, 2008.

The division takes effect March 16, 2009, and applies retroactively to July 1, 2008.

CAPITAL APPROPRIATION REVISIONS. Division II reduces or eliminates appropriations made for a new state office building at the State Capitol Complex and reduces or eliminates various capital appropriations from the Rebuild Iowa Infrastructure Fund (RIIF) and the FY 2009 Tax-Exempt Bond Proceeds Restricted Capital Funds Account. Replacement appropriations for the amounts reduced or eliminated from RIIF and the account are

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made from the Endowment for Iowa's Health Restricted Capitals Fund Account for FY 2008-2009. An amount of \$37 million is transferred from RIF to the General Fund of the State for FY 2008-2009. The division takes effect March 16, 2009. The provisions relating to the new state office building are retroactively applicable to December 9, 2008.

ADDITIONAL APPROPRIATION REDUCTIONS. Division III applies reductions to appropriations made from the General Fund of the State for FY 2008-2009 in addition to those made pursuant to the Governor's uniform reduction under Executive Order Number 10 issued on December 22, 2008. Certain regulatory appropriations are exempted.

The judicial and legislative branch appropriations were exempt from reduction under the executive order in accordance with Code Section 8.31 and are instead reduced by this legislation.

The operational appropriations made to executive branch agencies for salaries, support, administrative expenses, or personnel-related costs are reduced by approximately \$25.6 million. The reductions are to be applied uniformly; however, the reductions may be adjusted through the exercise of the Governor's transfer authority and subsequent reporting to the legislative branch.

The division takes effect March 16, 2009.

TRANSFERS. Division IV transfers approximately \$11 million from various funds to the General Fund of the State for FY 2008-2009. The transfers are made from the Innovations Fund, the Local Government Innovation Fund, and the Iowa Comprehensive Petroleum Underground Storage Tank Fund.

The division takes effect March 16, 2009.

APPROPRIATION RESTORATIONS AND SUPPLEMENTS. Division V supplements various annual appropriations made from the General Fund of the State for FY 2008-2009. The supplemental appropriations restore the following appropriations for the 1.5 percent uniform reduction made in appropriation allotments pursuant to the Governor's Executive Order Number 10: to the Department of Corrections for operation of the correctional institutions, departmental administration, and community-based corrections; to the Department of Public Safety for various divisions; to the Department of Commerce for various divisions; to the Racing and Gaming Commission; and to the Department of Workforce Development for various programs.

The division also restores certain appropriations made to the Department of Human Services for adult mental health, mental retardation, and developmental disabilities services, allowed growth, and property tax relief that were subject to the Executive Order Number 10 reduction.

Additional supplemental appropriations are made to the Department of Public Health for reducing the incidence and prevalence of communicable diseases, and to the Department of Natural Resources for the State Parks Bureau. The division also provides a transfer to the State Fish and Game Protection Fund to be used for addressing flood damage to public lands and facilities administered by the Department of Natural Resources. The division appropriates approximately \$156.7 million of the federal Community Development Block Grant (CDBG) funds to the Department of Economic Development for disaster relief made for federal FY 2007-2008. The CDBG appropriation is retroactively applicable to June 30, 2008, but is revised by H.F. 820 to be retroactively applicable to October 1, 2007.

The division takes effect March 16, 2009.

REPEAL OF FUNDS. Division VI repeals the Innovations Fund and the Local Government Innovation Fund and related provisions on July 1, 2010.

Any moneys remaining in the two funds at the close of FY 2009-2010 and to be credited to the two funds in any subsequent fiscal year are transferred to the General Fund of the State. The transfer provision takes effect July 1, 2009, and the remainder of the division takes effect July 1, 2010.

OTHER PROVISIONS. Division VII addresses other provisions.

For FY 2008-2009 and FY 2009-2010, existing law in Code Section 8.62 that authorizes agencies to encumber 50 percent of operational appropriations from the General Fund of the State that remain unexpended at the close of the fiscal year and would otherwise revert to the General Fund of the State, is suspended. The suspended provision would otherwise allow the agencies to use the encumbered funds during the succeeding fiscal year for employee training, technology enhancement, or purchases of goods and services from Iowa Prison Industries. Instead, the division directs that the moneys revert to the General Fund of the State at the close of the fiscal year.

Public employees who are members of the Iowa Public Employees' Retirement System (IPERS) who have an employer-mandated reduction in hours during the period of January 1, 2009, through June 30, 2010, that would result in a reduction in the three-year average covered wage are allowed to pay a contribution to prevent the reduction.

Authority is provided for the Chief Justice of the Supreme Court to order the State Commissioner of Elections to delay for up to 180 days the provision of notice to the Judicial Nominating Commission concerning vacancies in the Supreme Court, Court of Appeals, or district court, including associate judgeships. Senate File 478 clarifies that this authority is applicable for the period beginning March 16, 2009, and ending June 30, 2010, and for magistrate vacancies, the authority is only applicable for the period of March 16, 2009, through June 30, 2009.

The division takes effect March 16, 2009.

[HOUSE FILE 805](#) - Appropriations — Transportation

[Fiscal Analysis](#)

BY COMMITTEE ON APPROPRIATIONS. This Act makes and limits appropriations for FY 2009-2010 from the Road Use Tax Fund and the Primary Road Fund to the Department of Transportation (DOT).

Appropriations from the Road Use Tax Fund include appropriations for driver's license production costs, salaries, operations, planning, motor vehicles, utility services provided by the Department of Administrative Services (DAS), unemployment and workers' compensation, indirect cost recoveries, audits, county issuance of driver's licenses and vehicle registration and titling, a system providing toll-free telephone road and weather reports, participation in the Mississippi River Parkway Commission, membership in North America's Supercorridor Coalition, and Motor Vehicle Division field facility maintenance projects.

Appropriations from the Primary Road Fund include appropriations for salaries, operations, planning, highways, motor vehicles, utility services provided by DAS, unemployment and workers' compensation, hazardous waste disposal, indirect cost recoveries, audits, production of transportation maps, inventory and equipment replacement, utility improvements, roofing projects, heating and cooling improvements, deferred maintenance at field facilities, replacement of the Rockwell City garage, various federal Americans With Disabilities Act improvements at DOT facilities, and elevator upgrades at the Ames complex.

[HOUSE FILE 809](#) - Appropriations — Administration and Regulation

[Fiscal Analysis](#)

BY COMMITTEE ON APPROPRIATIONS. This Act relates to and appropriates from the General Fund of the State, and from other funds, to various administrative and regulatory state departments, agencies, and funds for FY 2009-2010, and provides for related matters.

Division I — Appropriations

Division I appropriates moneys to various state departments and agencies, including the Department of Administrative Services (DAS); Auditor of State; Iowa Ethics and Campaign Disclosure Board; Department of Commerce; Office of the Governor, including the Lieutenant Governor, Terrace Hill quarters, and Drug Control Policy Office; Department of Human Rights; Department of Inspections and Appeals; Department of Management; Department of Revenue; Secretary of State; Treasurer of State; Rebuild Iowa Office; and the Iowa Public Employees' Retirement System. The division also appropriates funding for the state's membership in the National Governors Association.

The division provides that DAS should seek to purchase vehicles at the lowest possible cost and should not include, unless necessary, certain accessories, such as GPS systems, leather seats, and upgraded stereo

equipment. The division also provides, from May 26, 2009, through June 30, 2010, that state departments and agencies are not required to pay depreciation expenses related to vehicles, and moneys credited to a department or agency in the DAS Depreciation Fund not necessary for insurance and maintenance of vehicles should be returned to that department or agency.

The division also prohibits the Auditor of State from conducting discretionary audits for the period beginning April 1, 2009, and ending June 30, 2010, and requires the auditor to limit reimbursement from state and local government entities for audit costs not funded from federal moneys during FY 2009-2010 to the total amount reimbursed in the prior fiscal year.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

1. A provision requiring DAS to reduce motor vehicle fleet operation costs by 7.5 percent.
2. A provision limiting the rates charged by DAS during FY 2009-2010 for services provided by DAS to the rates set as of January 1, 2009.
3. A provision requiring the Department of Inspections and Appeals and the Health Facilities Division to provide information on the department's website relative to inspections conducted by the division.
4. A provision that state departments and agencies to which appropriations are made in the Act shall require employees to submit actual receipts for purposes of reimbursing those costs.

Division II — Miscellaneous Provisions

Division II extends the prospective repeal of the Health Insurance Administration Fund from July 1, 2009, to July 1, 2010.

The division also permits the Secretary of State to retain federal funds received and to be used for election-related purposes. This provision takes effect May 26, 2009, and applies to federal funds received on and after April 1, 2008.

Division III — Grants Management

Division III eliminates the appropriation from indirect cost reimbursements administered by DAS to the Grants Enterprise Management Office within the Department of Management.

Division IV — Treasurer of State

Division IV classifies certain administrative assistant positions within the Office of the Treasurer of State as exempt from public employee collective bargaining under Code Chapter 20.

The division allows the treasurer to sell abandoned property on the Internet by providing notice of such sale on the treasurer's website in lieu of publication of the sale in a newspaper.

Division V — Ethics and Campaign Disclosure Board

Division V authorizes the Ethics and Campaign Disclosure Board to enter into an agreement with a political subdivision authorizing the board to enforce provisions of a code of ethics adopted by that political subdivision.

Division VI — Bingo Conducted at a Fair or Community Festival

Division VI provides that a fair, or community festival of no more than four days in length, may conduct bingo if the sponsor of the event approves, a \$50 license fee is paid, and no more than one bingo occasion may be conducted for each day of the fair or community festival. The community festival must be held by a community group, which is defined as an Iowa nonprofit, tax-exempt organization established for the

promotion of the state's arts, history, culture, ethnicity, historic preservation, tourism, economic development, or municipal libraries. The division excludes educational institutions, government agencies, fraternal organizations, and churches from the definition of community group.

Division VII — Department of Commerce Revolving Fund

Division VII establishes a Department of Commerce Revolving Fund for the Banking Division, Credit Union Division, Utilities Division, and the Insurance Division of the department, and the Office of Consumer Advocate, which shall consist of moneys, fees, and other revenues collected by those divisions of the department and the office. Moneys in the fund shall be used to pay the costs of operating those divisions of the department and the Office of Consumer Advocate, subject to an appropriation by the General Assembly. In addition, the division authorizes each division to draw moneys from the General Fund of the State to meet cash flow needs if moneys drawn are replenished by the end of the fiscal year. Fees and other moneys collected by the Utilities Division, the Commissioner of Insurance, the Banking Division, the Credit Union Division, and the Office of Consumer Advocate are to be deposited in the Department of Commerce Revolving Fund and not in the General Fund of the State. The division also appropriates to the divisions and the office from the revolving fund and not the General Fund for FY 2009-2010. Senate File 478 amends this division to provide that the revolving fund shall be repealed July 1, 2011.

Division VIII — Department of Inspections and Appeals

Division VIII provides that certain social gambling licensees need only file an annual report with the Department of Inspections and Appeals instead of quarterly reports related to the financial activity of that licensee.

The division also modifies provisions relative to the state Child Advocacy Board and local citizen foster care review boards. The division allows the state board to assign and review cases relative to children receiving foster care on an aggregate instead of an individual basis and also allows local boards to review each foster care case on a schedule determined by the local board instead of requiring review at least once every six months.

[HOUSE FILE 811](#) - Appropriations — Health and Human Services [Fiscal Analysis](#)

BY COMMITTEE ON APPROPRIATIONS. This Act relates to and makes appropriations for health and human services for FY 2009-2010, and includes appropriations for other specified periods. The Act is organized into divisions. The appropriations are from the General Fund of the State, unless otherwise stated.

Division I — General Fund and Block Grant Appropriations

DEPARTMENT OF ELDER AFFAIRS (DEA). Division I appropriates funding to DEA for aging programs and area agencies on aging (AAAs). Funds are allocated for case management for the frail elderly, and a portion of the allocation is to be transferred to the Department of Human Services (DHS) for reimbursement of case management services provided under the medical assistance (Medicaid) elderly waiver. DHS is also authorized to adjust the reimbursement rate and methodology for case management services. Funding is transferred to the Department of Economic Development for the Iowa Commission on Volunteer Services to be used for the Retired and Senior Volunteer Program. DEA is directed to continue the Elder Abuse Initiative established in Code Section 231.56A, a portion of the funding appropriated to the department is to be used for elder unmet home and community-based services needs, and DEA is directed to comply with certain requirements related to AAA boards of directors training and development of end-of-life care information only if funding is available.

DEPARTMENT OF PUBLIC HEALTH (DPH). The division appropriates funds to DPH, including funding for the following programs: addictive disorders including gambling treatment, tobacco use prevention, and programs that were previously funded through the Healthy Iowans Tobacco Trust; healthy children and families, including funding for the Healthy Opportunities to Experience Success (HOPES) — Healthy Families Iowa Program, to continue to address the healthy mental development of children from birth through five years of age, and for distribution to a statewide dental carrier to continue the Donated Dental Services Program for indigent elderly and individuals with disabilities; chronic conditions, including for grants to individual patients with

phenylketonuria to assist with costs of necessary special foods, for continuation of the contracts for resource facilitator services and for brain injury training services and recruitment of services providers, and for a grant to provide supportive services to people living with epilepsy and their families; community capacity, including a child vision screening program, initiatives at the University of Iowa and the State Mental Health Institute at Cherokee to expand and improve the workforce engaged in mental health treatment and services, and for public health modernization; elderly wellness; environmental hazards, including childhood lead poisoning provisions; infectious diseases; public protection, including emergency medical services, sexual violence prevention programming, and the State Poison Control Center; and resource management.

DEPARTMENT OF VETERANS AFFAIRS AND IOWA VETERANS HOME. The division appropriates funds to the Department of Veterans Affairs and the Iowa Veterans Home. Under the appropriation to the Iowa Veterans Home, the facility must submit billings involving DHS to DHS on a monthly basis, and if there is a change in the employer of employees providing services at the Iowa Veterans Home under a collective bargaining agreement, the employees and the agreement shall be continued by the successor employer as though there had not been a change in employer. Provisions are also included to revise the Incentive Therapy Program payments. An appropriation is also made for educational assistance for children of deceased veterans, and the standing appropriation to county commissions of veterans affairs is limited.

DEPARTMENT OF HUMAN SERVICES. The division makes appropriations from the General Fund of the State and other funds to DHS and includes other appropriations and provisions involving human services and health care. See H.F. 820 for transfer and reappropriation of various appropriations to DHS for FY 2008-2009 and FY 2009-2010 and for supplementation of various DHS appropriations with federal stimulus funds.

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BLOCK GRANT. The division appropriates moneys from the federal TANF Block Grant for a number of purposes, including the Family Investment Program (FIP); the Job Opportunities and Basic Skills (JOBS) Program; FIP agreements; Family Development and Self-Sufficiency (FDSS) Program; field operations; general administration; local administrative costs; state child care assistance, including funding for provision of educational opportunities to registered child care home providers; mental health and developmental disabilities community services; child and family services; child abuse prevention grants; pregnancy prevention grants; technology needs and other resources to meet federal welfare reform requirements; and the HOPES Program. In addition, block grant moneys are appropriated for community-based programs targeted to children from birth through five years of age and developed by community empowerment areas.

FAMILY INVESTMENT PROGRAM. Under federal TANF welfare reform provisions, federal funding is provided for FIP in the form of an annual block grant to the state. Consequently, the division includes combined FIP and FIP-related appropriations from the General Fund of the State and the block grant. These appropriations are directed to DHS to coordinate the FDSS Program with the Department of Human Rights (DHR); to DHR for the FDSS Program, including specifications for administration of the program by DHR; to the Food Stamp Employment and Training Program; and for the JOBS Program. The division provides funding to continue a grant to an Iowa-based nonprofit organization with a history of providing tax preparation assistance to low-income Iowans in order to expand the usage of the Earned Income Tax Credit. The division also directs DHS to review the feasibility of expanding categorical food assistance program eligibility to at least 160 percent of the federal poverty level and to report results and recommendations by December 15, 2009.

CHILD SUPPORT RECOVERY UNIT. Division I continues the Iowa Child Support Public Awareness Campaign located in the Office of the Attorney General and continues to direct DHS to issue federal access and visitation grant moneys directly to private not-for-profit agencies that provide services designed to increase compliance with child access provisions of court orders, including but not limited to neutral visitation site and mediation services. Certain child support obligation arrearages for time periods prior to October 1, 1997, in which rights were assigned to DHS are to be considered satisfied and the obligors and obligees are to be notified, with any objection to be heard by the district court.

MEDICAL ASSISTANCE (MEDICAID) PROGRAM. The division continues Medicaid program provisions required in previous years. Approximately \$678 million is appropriated from the General Fund of the State and additional

appropriations are made in other divisions for the Medicaid program (see H.F. 820 and S.F. 478 for revisions in appropriation amounts). The division includes provisions authorizing DHS to transfer funds for implementation and operational costs associated with Part D of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003; directing DHS to initiate planning to address options available under Medicaid or other assistance program relating to individuals with special needs; providing for transfer of funds to be used for the state match to comply with the federal Payment Error Rate Measurement Program for the Medicaid and state children's health insurance programs; directing DHS to continue to implement the recommendations for the Assuring Better Child Health and Development Initiative II clinical panel; providing funding to supplement the incomes of residents of nursing facilities, intermediate care facilities for persons with mental illness, and intermediate care facilities for persons with mental retardation to provide a personal needs allowance of \$50 per month; providing for transfer of funding to the state mental health institutes and allocating funds as the state match for disproportionate share hospital payments for hospitals that meet certain criteria; providing funding for the Iowa Chronic Care Consortium; continuing the practice directive that any new or renewed contract entered into by DHS with a third party to administer behavioral health services under the Medicaid program shall provide that any interest earned on payments from the state during the state fiscal year shall be remitted to DHS for deposit in a separate account, requiring DHS to maintain a separate account for deposit of funds remitted pursuant to a contract with a third party to administer behavioral health services, and providing that such funds do not revert at the end of a fiscal year but remain in the account to be used for health and human services-related purposes, and providing for appropriation of any funds deposited in the separate account during FY 2009-2010 for the Medical Assistance Program; directing DHS to add behavior programming, crisis intervention, and mental health outreach services to the home and community-based services mental retardation waiver; directing the Iowa Autism Council to work with DHS to review the option of implementing a home and community-based services waiver for individuals up to 21 years of age with autism under Medicaid; directing DHS to issue a request for proposals to implement a correct coding initiative to improve claiming and payments; directing DHS to submit a Medicaid state plan amendment that specifies the coverage criteria for applied behavioral analysis therapy in the Remedial Services Program; and authorizing DHS to issue an RFP to implement a transportation brokerage system.

HEALTH INSURANCE PREMIUM PAYMENT PROGRAM, MEDICAL CONTRACTS, STATE SUPPLEMENTARY ASSISTANCE (SSA), AND CHILDREN'S HEALTH INSURANCE PROGRAM. The division makes appropriations to continue the Health Insurance Premium Payment Program, which provides payment for private health insurance in lieu of Medicaid program coverage; provides funding for contracted services associated with the Medicaid program; appropriates funding for SSA; and appropriates funds for the State Children's Health Insurance Program known as the Healthy and Well Kids in Iowa (hawk-i) Program.

CHILD CARE ASSISTANCE. The division provides an appropriation for the State Child Care Assistance Program and child day care resource and referral services. A portion of the funds is to be used for child care quality improvement initiatives, including the Quality Rating System, and DHS is directed to revise the achievement bonuses as specified. A portion of the funds is transferred to the Iowa Empowerment Fund to be used for professional development for the system of early care, health, and education. A portion is allocated for a continuation of a grant to support child care center services provided to children with mental, physical, or emotional challenges in order for the children to remain in a home or family setting; and a portion is allocated for a grant to a neighborhood affordable housing and services organization for child development programming for children residing in the housing. Funds appropriated for child care assistance from the General Fund of the State for FY 2009-2010 do not revert but remain available for that purpose in FY 2010-2011.

JUVENILE INSTITUTIONS. The division makes appropriations to the Iowa Juvenile Home at Toledo and the State Training School at Eldora. A portion of the funds appropriated to each institution is to be used for grants for adolescent pregnancy prevention activities.

CHILD AND FAMILY SERVICES. The division appropriates funds for child and family services, provides for continuation of the cap for group foster care, and continues previous requirements for child welfare services.

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The allocation of approximately \$7.7 million for shelter care services includes authorization for DHS to continue to allow provider contracts to include child welfare emergency services.

ADOPTION SUBSIDY. The division makes a separate appropriation for the Adoption Subsidy Program.

JUVENILE DETENTION HOME FUND. The division addresses the Juvenile Detention Home Fund, consisting of funds collected by the Department of Transportation (DOT) at the time the DOT suspends, revokes, or bars a person's motor vehicle license or nonresident operating privileges. Moneys in the fund are to be used for a percentage of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes. The percentage is to be determined by DHS based on the funds available.

FAMILY SUPPORT SUBSIDY PROGRAM AND CONNER DECREE. The division provides appropriations for the Family Support Subsidy Program and to continue coordination and training opportunities associated with disability services in accordance with the Conner consent decree.

MENTAL HEALTH INSTITUTES (MHIs) AND STATE RESOURCE CENTERS. The division provides appropriations to the state mental health institutes at Cherokee, Clarinda, Independence, and Mount Pleasant and for the state resources centers at Glenwood and Woodward utilizing a net General Fund of the State appropriation approach known as "net budgeting." The division directs DHS to submit a proposal for closing one state MHI and consolidating the services while maintaining the existing levels of beds and services after the consolidation. The division also directs DHS to staff a task force consisting of knowledgeable citizens to be appointed by the Governor to perform an in-depth review of the MHIs including services provided, public benefits and economic effects realized by the communities in which they are located, and other public costs and benefits associated with the presence and availability of the MHIs. The proposal for closing an MHI and the task force review are to be coordinated efforts with reports from each due on or before December 15, 2009.

STATE CASES. The division makes an appropriation for distribution to counties for mental illness, mental retardation, and developmental disabilities (MH/MR/DD) state cases. The division also allocates \$200,000 from the funds received through the federal Community Mental Health Center Block Grant for state cases. Funds appropriated for FY 2009-2010 for state cases do not revert, but remain available for that purpose in FY 2010-2011.

MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES SERVICES. The division includes a number of provisions affecting provision of state funding of MH/MR/DD services provided to adults by counties. One provision relates to funding for MH/MR/DD services growth. Under current law, the state is required to annually provide funding for the growth in county MH/MR/DD services expenditures. The Act continues a practice begun in 2001 of combining the moneys appropriated for growth and the moneys appropriated for the MH/MR/DD Community Services Fund and applies a reduction to formula distribution amounts based upon the relative size of a county's ending balance.

SEXUALLY VIOLENT PREDATORS. The division appropriates funding for payment of costs associated with the commitment and treatment of sexually violent predators at the State Mental Health Institute at Cherokee.

FIELD OPERATIONS, GENERAL ADMINISTRATION, AND VOLUNTEERS. The division includes appropriations for DHS field operations, general administration, and volunteers. The appropriation for field operations includes funding for full-time equivalent positions related to child protection services and eligibility determinations for low-income families. The appropriation for general administration includes an allocation for the Prevention of Disabilities Policy Council and directs DHS to report at least monthly to the Legislative Services Agency concerning the department's operational and program expenditures.

The division also authorizes DHS to propose and implement reorganization of departmental administration and field operations during FY 2009-2010 in order to address funding reductions in those areas. The division directs DHS to adopt rules to establish standards for children's centers under Code Section 237B.1 as amended in the Act.

FAMILY PLANNING SERVICES. The division provides an appropriation to DHS for family planning services to individuals with incomes not to exceed 200 percent of the federal poverty level, who are not currently receiving the specific benefit under the Medicaid program. Moneys appropriated are prohibited from being used to provide abortions, and DHS is directed to work with appropriate stakeholders to implement and administer the program.

PREGNANCY COUNSELING AND SUPPORT SERVICES PROGRAM. The division appropriates funds to DHS for a pregnancy counseling and support services program. DHS is directed to continue the Pregnancy Counseling and Support Services Program to provide core services consisting of information, education, counseling, and support services to women who experience unplanned pregnancies by supporting childbirth, assisting pregnant women in remaining healthy and maintaining a healthy pregnancy, and assisting women after the birth of a child.

MEDICAID, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICES PROVIDERS REIMBURSED UNDER DHS. In addition to health care providers, reimbursement rates are established for social services providers. In general, reimbursement rates for health care providers under the Medicaid program remain the same as the rates in effect on June 30, 2009. The division provides a limitation to the budget for nursing facilities for FY 2009-2010, and provides for recalculation and readjustment of the patient-day weighted medians used in rate setting for nursing facilities by adjusting the inflation factor to maintain state funding within the amount specified.

The rates for outpatient hospital services remain at the same rates in effect on June 30, 2009. For inpatient hospital services, the rates also remain at the same rates in effect on June 30, 2009, which includes hospital rebasing, and the Iowa Hospital Association is directed to submit information to the General Assembly's standing committees on Government Oversight during the 2010 Legislative Session regarding actions taken to increase compensation and other costs of employment for hospital staff who provide direct care to patients. The rate for psychiatric medical institutions for children remains the same as the rates in effect on June 30, 2009, unless legislation was enacted adjusting such rates (see S.F. 236, Human Services). Rates for family planning services eligible for a 90 percent federal match are increased by 5 percent above the rates in effect on June 30, 2009.

NURSING FACILITY PAY-FOR-PERFORMANCE. The division amends 2001 Iowa Acts, as amended by 2008 Iowa Acts, to restructure the method of disbursement of the former accountability payments, which are referred to as pay-for-performance payments under the division, to nursing facilities. 2008 Iowa Acts (Chapter 1187, Section 33) directed DHS to assemble a workgroup to develop recommendations to redesign the accountability measures, and the division's provisions are based on the workgroup's recommendations. The division directs DHS to request any Medicaid state plan amendment necessary to implement the new methodology, and to continue to convene the workgroup to develop recommendations to design a quality improvement process for targeted nursing facilities for implementation in FY 2010-2011.

OTHER DIRECTIVES TO STATE AGENCIES. The directors of any department or state agency to which appropriations are made in the Act, in making reductions in full-time equivalent positions, to the greatest extent possible, are to retain positions providing direct services to the public. The division directs DHS to participate in the LEAN Government Exchange, initially apply the methodology to general administration, and report progress to persons designated. The Legislative Council is requested to establish a legislative study committee during the 2009 Interim to identify strategies and solutions to address problems arising from inappropriate medication use in the health care system. The study committee is to report its findings and recommendations to the General Assembly for consideration during the 2010 Legislative Session.

Division II — Senior Living Trust Fund, Pharmaceutical Settlement Account, IowaCare Account, and Health Care Transformation Account

SENIOR LIVING TRUST FUND. Division II makes an appropriation from the Senior Living Trust Fund to DEA for a comprehensive senior living program, including case management and funding to provide dementia-specific education to direct care workers and other providers of long-term care, and to the Department of Inspections

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and Appeals for inspection and certification of assisted living facilities and adult day services. Funds are also appropriated to DHS to supplement the Medicaid appropriation, and to the Iowa Finance Authority for reimbursement for rent expenses under the Rent Subsidy Program.

PHARMACEUTICAL SETTLEMENT ACCOUNT. The division appropriates funds from the Pharmaceutical Settlement Account to supplement the appropriations for medical contracts under the Medicaid program.

IOWACARE ACCOUNT. The division appropriates funds from the IowaCare Account to the State Board of Regents for distribution to the University of Iowa Hospitals and Clinics (UIHC) for salaries, support, maintenance, equipment, and miscellaneous purposes; medical and surgical treatment of indigent patients; provision of services to members of the IowaCare Program population; and for medical education. An additional amount is appropriated to the board for distribution to UIHC subject to the claims adjudicated and paid for IowaCare members in excess of the initial appropriation. The division appropriates funds from the IowaCare Account to DHS for distribution to a publicly owned acute care teaching hospital located in a county with a population of over 350,000 for provision of medical and surgical treatment to indigent patients, provision of services to members of the IowaCare Program population, and for medical education.

ACCOUNT FOR HEALTH CARE TRANSFORMATION. The division appropriates funds from the Account for Health Care Transformation to DHS for medical examinations and development of personal health improvement plans for the IowaCare population; for provision of a medical information hotline for the IowaCare population; for health promotion partnership activities; for costs related to audits, performance evaluations, and studies; for administrative costs associated with the IowaCare Program; for continuation of the establishment of the tuition assistance for Individuals Serving Individuals with Disabilities Pilot Program, for medical contracts; for payment to the publicly owned acute care teaching hospital located in a county with a population of over 350,000 that is a participating IowaCare provider; and for planning and development, in cooperation with DPH, of a phased-in program to provide a dental home for children. DHS is authorized to transfer funds among the appropriations and must report any transfers to the Legislative Services Agency. The division also appropriates funds to DEA for reprogramming of the SEAMLESS computer system for care management.

IOWACARE RENEWAL OF WAIVER. The division directs DHS to apply for renewal of the IowaCare waiver under the Medicaid program for an additional five-year period including seeking maximum expenditure authority for payments to the state's MHIs, removing the limitation on new provider taxes, and transferring the Seriously Emotionally Disturbed Children Waiver to be approved as a Section 1915(c) home and community-based services waiver.

REVERSION TO SENIOR LIVING TRUST FUND. Appropriations from the General Fund of the State, the Senior Living Trust Fund, the Health Care Trust Fund, and the Property Tax Relief Fund to DHS for the Medicaid program for FY 2009-2010 that remain unencumbered or unobligated at the close of the fiscal year do not revert, but remain available for expenditure for the Medicaid program.

Division III — MH/MR/DD Services and Allowed Growth Funding for FY 2009-2010

In addition to allocating allowed growth funding to counties for MH/MR/DD services, Division III expands the risk pool purposes for such services to specifically include mobile crisis teams.

The Co-chairpersons of the Joint Appropriations Subcommittee on Health and Human Services are required to consult with the subcommittee's ranking members in appointing a task force for the 2009 Interim to address the adult MH/MR/DD service system administered by counties and its funding.

During FY 2009-2010, the Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission and the Mental Health Planning Council, or their officers, are required to meet at least quarterly to coordinate efforts.

For the period of October 1, 2008, through September 30, 2010, or for as long as the funding from the federal American Recovery and Reinvestment Act of 2009 remains available, the per diem amounts billed to counties

for the State Resource Centers may be adjusted downward. This provision takes effect May 26, 2009, and applies retroactively to October 1, 2008.

Division IV — Health Care Trust Fund Appropriations — Health Care Activities

Division IV makes appropriations from the Health Care Trust Fund, which consists of a specified amount of revenues generated from the taxes on cigarettes and tobacco products deposited in the General Fund of the State and appropriated to the Health Care Trust Fund.

The division appropriates funds to DPH for addictive disorders, including for culturally competent substance abuse treatment pilot projects, for tobacco use prevention, cessation, and treatment activities, and for substance abuse treatment activities; for healthy children and families, including funding to address the healthy mental development of children from birth through five years of age, for childhood obesity prevention, to provide audiological services and hearing aids to children through a contract, and to implement the recommendations of the Task Force on Postnatal Tissue and Fluid Banking established in 2007 Iowa Acts, Chapter 147, as funding becomes available; for chronic conditions including for child health specialty clinics, the Comprehensive Cancer Control Program, and for cervical and colon cancer screening; for community capacity, including for further development of public health standards and to begin implementation of public health modernization, for mental health professional shortage areas and psychologist intern rotation, for the Iowa Collaborative Safety Net Provider Network for distribution for coordination of the network, for Iowa Family Planning Network agencies; for local boards of health that provide direct services, for maternal and child health centers for pilot programs, for free clinics, for rural health clinics, for the Specialty Health Care Initiative, for the pharmaceutical infrastructure for safety net providers; for continuation of the Incubation Grant Program to community health centers, for implementation of the Direct Care Worker Task Force recommendations, for scholarships to direct care workers, and for allocation to an independent statewide direct care worker association for education, outreach, leadership development, mentoring, and other initiatives to enhance the recruitment and retention of direct care workers.

The division appropriates funding to DHS for the Medicaid program. The division also amends Code Section 435A.35 relating to the amount of revenues generated from the taxes on cigarettes and tobacco products deposited in the General Fund of the State and appropriated to the Health Care Trust Fund, by reducing the amount from \$127,600,000 to \$117,796,000.

Division V — IowaCare

Division V amends provisions relating to the amount of funds appropriated to DHS for distribution to a publicly owned acute care teaching hospital located in a county with a population of over 350,000, and the amount of the hospital tax levy proceeds collected, deposited, and distributed for FY 2008-2009. The division takes effect May 26, 2009, and is retroactively applicable to July 1, 2008.

Division VI — Appropriations-related Changes

Division VI amends prior year appropriations.

The division amends the appropriation from the Healthy Iowans Tobacco Trust for the Tobacco Use Prevention and Control Initiative, the General Fund appropriation for addictive disorders, the TANF Block Grant family appropriation for FIP, the General Fund appropriation for training for child welfare service providers, the General Fund appropriation for state supplementary assistance, the General Fund appropriation for pregnancy counseling, the Health Care Trust Fund appropriation for addictive disorders, the Veterans Trust Fund appropriation for deposit in the Vietnam Conflict Veterans Bonus Fund, and the General Fund appropriation for the Injured Veterans Grant Program, to provide that the funds do not revert but are to remain available until the close of FY 2009-2010.

The division also amends the General Fund appropriation to the Iowa Veterans Home for FY 2008-2009 to provide that of the funds that remain available for expenditure for FY 2009-2010, the first \$1 million is to remain available for the purposes of the Iowa Veterans Home; on or before October 15, 2009, approximately

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\$1.8 million is to be transferred to the appropriation for Medicaid to be used for rebasing of hospital reimbursement; and the remaining funds are to be used for the purposes of the Iowa Veterans Home.

The division amends the General Fund appropriation for Medicaid for FY 2008-2009 by reducing the amount from approximately \$650 million to approximately \$588 million. This reduced amount incorporates the reductions made pursuant to Executive Order Number 10 issued on December 22, 2008.

The division amends the General Fund appropriation and provisions relating to the Emergency Mental Health Crisis Services System and the Mental Health Services System for Children and Youth to require revision of the provisions for the projects to allow for services to be provided under both projects for at least 24 months; and to provide that the funds appropriated will continue to be available for these purposes until the close of FY 2010-2011.

The division allows for revision of the figure for the number of family members for whom a family support subsidy is provided to conform to the amount of funding available for FY 2008-2009.

The division reduces the General Fund appropriation for nursing facility reimbursement for FY 2008-2009.

The division provides that of the Senior Living Trust Fund appropriation to the DEA for FY 2008-2009, approximately \$216,000 does not revert at the close of that fiscal year but remains available to provide matching funds for the senior nutrition programs and the Senior Internship Program funding through the federal American Recovery and Reinvestment Act of 2009 for the period during which federal funding is available under the federal Act.

The division eliminates the account for health care transformation transfer to the IowaCare Account for FY 2008-2009.

Moneys from various sources appropriated for the Medicaid program for FY 2008-2009 that remain unencumbered or unobligated at the close of the fiscal year are to remain available for FY 2009-2010 for the purposes of the Medicaid program rather than being transferred to the Senior Living Trust Fund.

The division reduces the amount of the General Fund appropriation for FY 2009-2010 for the medical assistance, hawk-i, and hawk-i expansion programs which was made during FY 2008-2009.

Moneys in the Child Care Credit Fund that remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 2008, are transferred to the General Fund of the State. Codified provisions relating to the Child Care Credit Fund are repealed in Division XIII.

The division provides that the nonreversion of the appropriations for addictive disorders is limited to \$1 million and provides for prioritization in the nonreversion of the various sources until the amount is reached.

The division takes effect May 26, 2009.

Division VII — Hepatitis Awareness

Division VII relates to hepatitis awareness and combines the Viral Hepatitis Program pursuant to Code Section 135.19 and the Hepatitis C Awareness Program that focuses on veterans pursuant to Code Section 135.20. The division repeals Code Section 135.20.

Division VIII — Senior Living Coordinating Unit

Division VIII relates to the Senior Living Coordinating Unit. The division repeals the Senior Living Coordinating Unit and replaces it with a directive to the Director of DEA to convene the directors of the departments of Human Services, Public Health, and Inspections and Appeals to assist in the coordination of policy, service delivery, and long-range planning relating to the Long-Term Living System and older Iowans in the state. The group may consult with experts in the area of the Long-Term Living System and older Iowans to facilitate the

work of the group. The division makes conforming changes throughout the Code to reflect the repeal of the Senior Living Coordinating Unit.

Division IX — Gambling Treatment Fund Elimination

Division IX eliminates the Gambling Treatment Fund and provides that the funds that would have been credited to the fund are now credited to the General Fund of the State. The standing appropriation of gambling proceeds to the General Fund of the State in Code Section 8.57 is increased by \$6.6 million to reflect this change.

Division X— Child Death Review Team

Division X changes the Iowa Child Death Review Team from an independent state agency to a part of the Office of the State Medical Examiner, and makes conforming changes. The rules adopted by DPH for the purposes of the Child Death Review Team are to remain in effect until replaced by rules adopted by the State Medical Examiner. Until the new rules are adopted, the State Medical Examiner is directed to fulfill the duties assigned to DPH under the rules being replaced.

Division XI — Iowa Public Health Modernization Act

Division XI creates a new Code chapter, entitled the Iowa Public Health Modernization Act, which is to be implemented only to the extent funding is available. The new Code chapter is to be administered by DPH in collaboration with the Governmental Public Health Advisory Council and the Governmental Public Health Evaluation Committee established in the Code chapter. The council members are appointed by the Director of DPS to advise the department and make policy recommendations concerning administration, implementation, and coordination of the Code chapter and the Governmental Public Health System. The committee is also appointed by the director to develop, implement, and conduct evaluations of the Governmental Public Health System and a voluntary accreditation program for public health entities. Detailed membership criteria, specifying required areas of expertise, are set out for both the council and the committee.

The Code chapter relates to the organization and operation of the Governmental Public Health System. The Governmental Public Health System functions are to prevent epidemics and spread of disease, protect against environmental hazards, prevent injuries, promote healthy behavior, and deal with public emergencies.

DPH is directed to establish an accreditation data collection system to monitor the implementation and effectiveness of the Governmental Public Health System based on the Iowa public health standards. Local boards of health are required to provide all data and information necessary to determine the local board's capacity to comply with the Iowa public health standards. DPH may share data or information with the advisory council or the evaluation committee as necessary to perform the duties of the council and committee; however, data and information which is confidential shall not be released by DPH, the council, or the committee.

The new Code chapter establishes a Governmental Public Health System Fund in the State Treasury under the control of DPH. The fund consists of funds obtained from any source. Moneys in the fund are appropriated to DPH for the public health purposes specified in the Code chapter. At least 70 percent of the funds are to be made available to local boards of health. Grants to local boards are available for obtaining voluntary accreditation and dollar-for-dollar matching funds are available for equipment.

DPH is required to adopt rules including rules concerning the voluntary accreditation of designated local public health agencies and DPH and to adopt Iowa public health standards. A local board of health or local public health agency that falsely claims to be accredited is subject to a civil penalty not to exceed \$1,000 per day for each offense.

The division takes effect May 26, 2009.

Division XII — IowaCare — Nonparticipating Provider Reimbursement

Division XII relates to providing reimbursement to nonparticipating providers in the IowaCare program under certain circumstances. The division creates new Code Section 249J.24A to provide for reimbursement, including by establishing a reimbursement fund. The division specifies under what circumstances a nonparticipating provider may be reimbursed for provision of covered services to an IowaCare member through the reimbursement fund. Reimbursement is to be based on the reimbursement rates and policies applicable to the nonparticipating provider under the full benefit Medicaid program, subject to the availability of funds in the reimbursement fund and subject to the appropriation of the funds to DHS. The IowaCare member must have an active eligibility status at the time the services are provided in order for reimbursement to be provided. The new Code section creates a Nonparticipating Provider Reimbursement Fund in the State Treasury, under the authority of DHS, provides for sources of the fund, and provides that moneys deposited in the fund are only to be used to reimburse nonparticipating providers who provide covered services to IowaCare members if no other third party is liable for reimbursement. A "nonparticipating provider" is defined as a licensed hospital that is not a member of the IowaCare network.

The division also includes noncodified provisions directing DHS, in any Medicaid program waiver relating to the continuation of the IowaCare program beginning July 1, 2010, to include provisions for reimbursement of covered services provided to IowaCare members by nonparticipating providers subject to the provisions of Code Section 249J.24A.

Division XIII — Miscellaneous Statutory Changes

Division XIII includes various statutory changes.

The division includes a provision relating to cosmetology examination information by providing that individual pass or fail examination results made available from the authorized national testing agency to the Board of Cosmetology may be disclosed to the board-approved education program from which the applicant for licensure graduated in order to verify the accuracy of national data and for reporting aggregate licensure examination results as required for a program's continued accreditation.

Code Section 234.12A relating to the Electronic Benefits Transfer Program for the Food Assistance Program is amended to eliminate the provision allowing for reimbursement of a retailer and requiring DHS to pay a reimbursement of 7 cents for each approved transaction utilizing the retailer's equipment.

The division amends Code Section 237B.1 to require application of criminal and abuse registry background check requirements for persons who own, operate, staff, participate in, and otherwise have contact with the children receiving services from a children's center. The background check requirements are to be substantially equivalent to those applied to child foster care facility providers.

Code Section 249A.3 relating to continuous eligibility under Medicaid is amended to clarify that the continuous eligibility applies to all populations of children in order to comply with federal requirements for approval of a Medicaid state plan amendment. The provision takes effect May 26, 2009, and is retroactively applicable to July 1, 2008, when continuous eligibility was originally enacted.

The division eliminates provisions relating to child support enforcement information that were enacted in S.F. 319 (see Human Services), due to changes in federal regulations. This provision takes effect May 26, 2009, and is retroactively applicable to March 23, 2009.

The division directs the executive committee of the Electronic Health Information Advisory Council, with technical assistance, to review the electronic exchange of individually identifiable health information by health care providers for the purpose of treatment. Following the review, the executive committee is directed to report its results and recommendations to the Governor and the General Assembly by December 15, 2009.

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The division provides that references in the Act to DEA mean Department on Aging in accordance with S.F. 204 (see Human Services), as enacted, and directs the Code Editor to make conforming changes as appropriate to codified provisions.

The division repeals Code sections relating to the Child Care Credit Fund, and provides for any remaining funds in the Child Care Credit Fund at the end of FY 2008-2009 to be transferred to the General Fund of the State.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

1. A provision requiring DHS to submit a detailed proposal for any reorganization of departmental administration or field operations at least 30 days prior to implementation of any such reorganization to persons specified to provide opportunity for review, comment, and possible revision.
2. A provision directing the directors of DEA, DPH, DHS, and Department of Veterans Affairs to develop plans to maximize efficiencies and reduce their respective budgets by 5 percent for FY 2010-2011, and to submit a report of their respective plans to specified persons by December 15, 2009.
3. A provision directing the directors of departments or state agencies to which appropriations are made under the Act to require employees to submit actual receipts for meals and other costs in order to be reimbursed for such expenses, and allowing for reimbursement only up to the maximum amount equal to the sum of the actual receipts submitted. The Governor's veto message referred to issuance of Executive Order Number 13 to require the Department of Administrative Services to implement a policy to require every executive department to institute cost-effective and transparent practices to track reimbursements paid to state employees for meals, travel, and other work-related costs.
4. A provision restricting out-of-state travel by an employee of a department or state agency to which appropriations are made under the Act unless authorized by the Executive Council as necessary for the performance of official state business.

HOUSE FILE 820 - **Federal Block Grant Appropriations and Other Federal Funding** **Fiscal Analysis**
BY COMMITTEE ON APPROPRIATIONS. This Act appropriates moneys to various state agencies for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, from the various federal block grants and from the federal American Recovery and Reinvestment Act of 2009 (ARRA) stimulus funds. The Act is organized into two divisions.

In the first division, the following federal block grants are specifically appropriated: Substance Abuse Prevention and Treatment, Community Mental Health Services, Maternal and Child Health Services, Preventive Health and Health Services, Stop Violence Against Women Grant Program, Community Services, Community Development, Low-Income Home Energy Assistance Program (LIHEAP), Social Services, and Child Care and Development. In addition, the Act appropriates funding from the following federal formula grants: Residential Substance Abuse Treatment for State Prisoners and Edward Byrne Justice Assistance (see H.F. 811 for appropriations of the federal Temporary Assistance for Needy Families Block Grant).

The Act requires that moneys be distributed in accordance with the applicable federal requirements, and establishes a procedure if more or less federal funding is received than predicted.

In addition, the Act makes a general appropriation for each state agency of the other federal grants, receipts, and funds and other nonstate grants, receipts, and funds available in whole and in part for the state fiscal year beginning July 1, 2009, and ending June 30, 2010.

ARRA appropriations are made in the second division. In addition, amounts are transferred to a new account from existing appropriations made for various health and human services purposes for FY 2008-2009 and FY 2009-2010 and reappropriated for various similar purposes, and special community development block grant funding for disaster relief is addressed.

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A directive is included that the general language in the first division of the Act making appropriations of categorical federal funding and any other funding made available to the state does not apply to funding from ARRA or successor federal legislation enacted after H.F. 820, unless it is determined by the Department of Management with the written consent of the Governor that the funds are needed and are available without any match requirement and were not already appropriated in this division of the Act or are provided through federal match of state or local funds that have been appropriated.

For FY 2008-2009, \$40 million in ARRA education stimulus funding is appropriated for state aid to schools under the foundation formula and is specifically designated for the allowable growth portion in place of an equal amount of the standing appropriation for state aid to schools made from the General Fund of the State under Code Section 257.16, subsection 1.

For FY 2009-2010, the standing appropriation for state aid to schools in Code Section 257.16, subsection 1, is replaced with a specific appropriation of approximately \$2.6 billion, and of that amount approximately \$202.5 million is replaced with ARRA education stimulus funding. ARRA education stimulus funding is also appropriated for the following education-related purposes: professional development related to implementation of the model core curriculum, instructional support state aid, regents institutions, and community colleges.

A \$2.5 million reduction made to the annual funding for area education agencies in previous years is continued for FY 2008-2009 and FY 2009-2010. For fiscal years beginning on or after July 1, 2012, a school district levy for cash reserve cannot exceed a limitation equal to 20 percent of the general fund expenditures for the previous fiscal year minus the general fund unexpended balance carried forward into that previous fiscal year.

FY 2009-2010, ARRA government stabilization funding is provided for the following purposes:

- Correctional facilities and administration of the Department of Corrections.
- Department of Public Defense for the Military Division.
- Department of Public Safety.
- Department of Public Health for elderly wellness, community capacity, and areas of greatest need.
- Department of Human Services for the Medical Assistance (Medicaid) Program, coverage of children under the Medicaid and hawk-i programs as well as additional coverage of children addressed in S.F. 389 (see Health and Safety), child and family services, field operations, a demonstration project providing health coverage to direct care workers, for transfer to the Department of Public Health for the Volunteer Health Care Provider Program, for the Property Tax Relief Fund in lieu of a portion of moneys from the General Fund of the State, and for the Risk Pool for adult mental health, mental retardation, and developmental disabilities (MH/MR/DD) services administered by counties.
- Department of Transportation for the Street Construction Fund of the Cities and the Secondary Road Fund of the Counties.

Of the FY 2009-2010 ARRA funding designated for child care quality, approximately \$2.4 million is transferred to the Early Childhood Programs Grant Account in the Iowa Empowerment Fund to be used for a grant program through community empowerment areas for supporting low-income families in securing high-quality child care. The program is targeted to provide financial assistance to families with an infant or toddler less than age two and that have a family income between 145 percent and 185 percent of the federal poverty level.

Certain amounts of appropriations made to the Department of Human Services for FY 2008-2009 and FY 2009-2010 for child support recovery, child and family services, adoption subsidy, and the state resource centers at Woodward and Glenwood, are transferred to the Human Services Reinvestment Fund created by the Act. Moneys from that fund are appropriated to the department for FY 2009-2010 for the following purposes: the two state juvenile institutions, the four state mental health institutes, the sexually violent predator unit,

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MH/MR/DD state case services provided by counties, field operations, general administration, and for the Legislative Services Agency to be used for the costs of the Health Care Commission created in S.F. 389.

Two federal community development block grants designated for disaster relief for federal FY 2007-2008 are addressed. The first was previously appropriated in H.F. 414 and is made retroactively applicable to October 1, 2007. The second is a new appropriation made for the same period from the federal Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, Pub. L. No. 110-329.

The amount of the state funding budget under the Medicaid program for nursing facilities for FY 2009-2010 in H.F. 811 is increased from approximately \$146.8 million to \$152.8 million.

A restriction is removed in an appropriation made to the Iowa Telecommunications and Technology Commission in the I-JOBS legislation, S.F. 376 (see Economic Development), for broadband technology grants for the deployment and sustainability of high-speed broadband access.

Division II of the Act takes effect May 26, 2009, and the section reducing area education agency funding is retroactive to July 1, 2008.

[HOUSE FILE 822](#) - **Appropriations — Infrastructure and Capital Projects** **[Fiscal Analysis](#)**
BY COMMITTEE ON APPROPRIATIONS. This Act makes appropriations to state departments and agencies from the Rebuild Iowa Infrastructure Fund, the Technology Reinvestment Fund, and other funds; creates and funds the Iowa Flood Center; and provides for related matters.

Division I — Rebuild Iowa Infrastructure Fund

Division I appropriates project funding for FY 2009-2010 from the Rebuild Iowa Infrastructure Fund, including projects for the departments of Administrative Services, Corrections, Cultural Affairs, Economic Development, Education, Human Services, Natural Resources, Public Defense, Public Health, Transportation, and Veterans Affairs, and to the State Board of Regents, the Iowa State Fair, and the Treasurer of State. The division also appropriates project funding from the Rebuild Iowa Infrastructure Fund for FY 2010-2011 for the departments of Administrative Services, Corrections, Economic Development, and Transportation, and to the State Board of Regents and the Iowa State Fair, and for FY 2011-2012 to the Department of Transportation.

Division II — Rebuild Iowa Infrastructure Fund — Grow Iowa Values Fund

Division II decreases the FY 2009-2010 appropriation from the Rebuild Iowa Infrastructure Fund to the Grow Iowa Values Fund from \$50 million to \$45 million and makes conforming changes to certain allocations.

Division III — Technology Reinvestment Fund

Division III appropriates project funding for FY 2009-2010 from the Technology Reinvestment Fund for the departments of Administrative Services, Corrections, Education, Human Rights, Public Defense, and Public Safety, and to the Iowa Ethics and Campaign Disclosure Board, the Iowa Law Enforcement Academy, and the Iowa Telecommunications and Technology Commission.

Division IV — Tax-Exempt Bond Proceeds Restricted Capital Funds Account

Division IV appropriates project funding for FY 2009-2010 from the Tax-Exempt Bond Proceeds Restricted Capital Funds Account of the Tobacco Settlement Trust Fund to the Department of Administrative Services.

Division V — Transfers — Endowment for Iowa's Health Restricted Capitals Fund and Tax-Exempt Bond Proceeds Restricted Capital Funds

Division V provides for a transfer of any unencumbered and unobligated balances in the Endowment for Iowa's Health Restricted Capitals Fund and the Tax-Exempt Bond Proceeds Restricted Capital Funds to the Department of Administrative Services at the close of FY 2009-2010. Upon receipt of a transfer, the Department of Administrative Services shall provide a report to the Legislative Services Agency and to the Department of

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Management regarding the amount transferred in conjunction with the infrastructure project status report that is due annually by January 15.

Division VI — Iowa Flood Center

Division VI requires the State Board of Regents to establish and maintain an Iowa Flood Center at the University of Iowa. The Iowa Flood Center shall work cooperatively with the departments of Natural Resources and Agriculture and Land Stewardship, the Water Resources Coordinating Council, and other state and federal agencies. The purpose of the center is to develop hydrologic models for physically based flood frequency estimation and real-time forecasting of floods including hydraulic models of floodplain inundation mapping, to establish community-based programs to improve flood monitoring and prediction along Iowa's major waterways and to support ongoing flood research, to share resources and expertise, and to assist in the development of a workforce in the state knowledgeable in flood research, prediction, and mitigation strategies.

Division VII — Prior Year Appropriations Changes

DEPARTMENT OF ADMINISTRATIVE SERVICES. Division VII extends the reversion date from the FY 2006 appropriation for the Wallace Building through the end of FY 2010, provides an FY 2009 supplemental appropriation for a free shuttle bus that includes transportation between the State Capitol Building and downtown Des Moines, and appropriates moneys in FY 2009 adjustments to restore partial or all funding for projects previously appropriated in the FY 2009 Tax-Exempt Bond Proceeds Restricted Capital Funds Account of the Tobacco Settlement Trust Fund including projects for major maintenance; the Civil Commitment Unit for Sexual Offenders at Cherokee; State Capitol Building restoration including compliance with the federal Americans With Disabilities Act; renovations to the State Capitol Complex utility tunnel system; heating, ventilating, and air conditioning improvements in the Hoover State Office Building, and for the purchase of Mercy Capitol Hospital.

STATE BOARD OF REGENTS. The FY 2010 appropriation previously enacted for the Institute for Biomedical Discovery at the University of Iowa is shifted to FY 2011.

DEPARTMENT OF ECONOMIC DEVELOPMENT. The reversion of the FY 2009 appropriation for the Microenterprise Development Program is extended through the end of FY 2010.

DEPARTMENT OF NATURAL RESOURCES. The reversion of the FY 2009 appropriation for the Water Trails and Low Head Dam Public Hazard Program is extended through the end of FY 2010.

DEPARTMENT OF TRANSPORTATION. The division makes a technical change to the FY 2009 Rebuild Iowa Infrastructure Fund appropriation for the Dubuque Depot by adding notwithstanding language. This provision is retroactively applicable to July 1, 2008.

TREASURER OF STATE. The division deappropriates moneys from the FY 2009 Rebuild Iowa Infrastructure Fund appropriation for county fair infrastructure. This provision is retroactively applicable to July 1, 2008.

DEPARTMENT OF CORRECTIONS. The FY 2011 and FY 2012 appropriations previously enacted for the expansion of the Iowa Correctional Facility for Women at Mitchellville are shifted to FY 2012 and FY 2013.

DEPARTMENT OF EDUCATION — IOWA PUBLIC TELEVISION. The division authorizes Iowa Public Television to use remaining funds from the FY 2009 Technology Reinvestment Fund for transmitter generators as operating funds for FY 2009 and FY 2010. This provision is retroactively applicable to July 1, 2008.

TRANSFER. The division authorizes the remaining balance in the Endowment for Iowa's Health Account and the Healthy Iowans Tobacco Trust to be transferred to the General Fund of the State before the close of FY 2009.

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DEPARTMENT OF ECONOMIC DEVELOPMENT. The division provides that if S.F. 344 (see Economic Development) is enacted, all remaining funds in the Accelerated Career Education Account of the Physical Infrastructure Assistance Fund will be transferred to the Accelerated Career Education Fund created in S.F. 344.

Except as otherwise provided in this division, the division takes effect May 26, 2009.

Division VIII — Code and Miscellaneous Changes

REBUILD IOWA INFRASTRUCTURE FUND — REPORTING REQUIREMENT. Division VIII provision provides that a recipient of moneys from the Rebuild Iowa Infrastructure Fund (RIIF) shall report to the state agency to which the moneys are appropriated the status of all projects completed or in progress.

DEPARTMENT OF ADMINISTRATIVE SERVICES. The division deappropriates moneys from the previously enacted FY 2010 RIIF appropriation to the Technology Reinvestment Fund.

TRANSFER — ENDOWMENT FOR IOWA'S HEALTH ACCOUNT. The division provides that moneys deposited in the Endowment for Iowa's Health Account of the Tobacco Settlement Trust Fund will be transferred to RIIF in FY 2010. This provision takes effect June 30, 2009.

DEPARTMENT OF ECONOMIC DEVELOPMENT. The division repeals the authorization for an applicant to receive incentives through the High Quality Job Creation Program.

RIVER ENHANCEMENT COMMUNITY ATTRACTION AND TOURISM GRANTS. The division provides an application review process for the River Enhancement Community Attraction and Tourism Grants through the Vision Iowa Board.

DEPARTMENT OF ECONOMIC DEVELOPMENT. The division changes the allocation for administrative costs relating to the Grow Iowa Values Fund.

DEPARTMENT OF HUMAN SERVICES. The division relates to the definition of "replacement" for adding new health services or adding bed capacity in a nursing facility.

IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND. The division extends the date repealing the Iowa Comprehensive Petroleum Underground Storage Tank Fund and the repeal of a related provision relating to reserve funds to July 1, 2010.

FAIRGROUNDS INFRASTRUCTURE AID FUND. The division eliminates the Fairgrounds Infrastructure Aid Fund and a provision relating to payment of infrastructure aid to a fair.

BUSINESS, BANKING, AND INSURANCE

- [SENATE FILE 176](#) - Cemetery and Funeral Merchandise and Funeral Services — Reports and Administrative Penalties
- [SENATE FILE 311](#) - Regulation of Debt Management Services
- [SENATE FILE 355](#) - Regulation of Lenders and Lending Practices
- [SENATE FILE 379](#) - Dramshop Liability Insurance — Use of Loss History
- [SENATE FILE 435](#) - Land Surveyors — Entry Upon Property
- [HOUSE FILE 180](#) - Regulation of Credit Unions — Complaint Response Process
- [HOUSE FILE 311](#) - Insurance Coverage for Prosthetic Devices
- [HOUSE FILE 478](#) - Insurance Coverage for Diabetes Self-Management and Education
- [HOUSE FILE 723](#) - Insurance and Other Matters Regulated by the Insurance Division

RELATED LEGISLATION

- [SENATE FILE 270](#) - Registration of Postsecondary Schools
SEE EDUCATION. This Act transfers from the Office of the Secretary of State to the College Student Aid Commission the administrative duties relating to the registration of postsecondary schools and the responsibilities relating to the evidence of financial responsibility of those schools. Registration does not exempt a school from the requirements of the Iowa Business Corporation Act or from the requirements of Code Chapter 491, providing for organization of a corporation for pecuniary profit.
- [SENATE FILE 319](#) - Child Support — Payment, Records, Fees, and Interest Charges
SEE HUMAN SERVICES. This Act relates to child support enforcement including withholdings of employee compensation for child support including medical support, collection fees, and the collection of interest on overdue child support payments.
- [SENATE FILE 364](#) - Civil Actions and Proceedings Affecting Real Estate
SEE CIVIL LAW, PROCEDURE, AND COURT ADMINISTRATION. This Act relates to civil actions including certain limitations on actions, judgments, and executions, and including actions relating to the foreclosure of real estate mortgages, and provides applicability provisions.
- [SENATE FILE 374](#) - Certified Motor Vehicle Operating Records — Resale and Use
SEE TRANSPORTATION. This Act regulates the purchase and use of a certified abstract of the operating record of an individual driver's license by insurers and insurance producers.
- [SENATE FILE 389](#) - Health Care — Services, Providers, and Insurance
SEE HEALTH AND SAFETY. This Act relates to health care, health care providers, and health care coverage. Division I of the Act creates a Legislative Health Care Coverage Commission under the authority of the Legislative Council. The commission is charged with developing an Iowa Health Care Reform Strategic Plan, and is required to collaborate with health care coverage experts to ensure that health care coverage for adults that is consistent with the commission's recommendations and priorities is available for purchase by the public by July 1, 2010. The commission is required to submit a final report to the General Assembly by October 1, 2011. Division II provides that if the health benefits coverage or insurance of an Iowa taxpayer includes coverage of a nonqualified tax dependent as determined by the federal Internal Revenue Service, the amount of the value of that coverage is not subject to state income tax. The division requires that adult children who are unmarried, residents of this state and up

to 25 years of age, or who are full-time students, be allowed to reenroll in previously existing dependent coverage of their parents so long as they would not be considered late enrollees as defined in Code Section 513B.2(14). Current provisions only allow continuation of existing coverage. Division III includes provisions relating to the medical assistance (Medicaid) and hawk-i programs and provides that Medicaid and hawk-i coverage are creditable coverage for the purposes of portability to private and individual or group health insurance coverage.

[SENATE FILE 419](#)

- Transportation — Administration Regulation, Enforcement, and Funding
SEE TRANSPORTATION. Division III of this Act contains miscellaneous provisions relating to the licensing and regulation of motor vehicle dealers and motor vehicle recyclers. Division IV of the Act contains provisions for the enforcement of federal motor carrier safety regulations by the Department of Transportation.

[SENATE FILE 449](#)

- Substantive Code Corrections
SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities in provisions relating to targeted small businesses; Iowa Finance Authority powers; unemployment compensation; corporate income taxes; limited liability company regulation; regulation of business and professional corporations; association director liabilities; enforcement of subpoenas under the Uniform Securities Act; and Uniform Commercial Code exceptions.

[SENATE FILE 465](#)

- Identity Theft Protection, Recorded County Documents, and County Recorder Fees
SEE LOCAL GOVERNMENT. This Act amends provisions relating to the duties and authority of county recorders and the County Land Record Information System. The Act increases the electronic transaction fee from \$1 per recorded transaction to \$3 for transactions recorded between July 1, 2009, and June 30, 2011. However, the electronic transaction fee for recording a plat of survey shall continue to be \$1. The electronic transaction fee for transactions recorded on or after July 1, 2011, is lowered to \$1.

[SENATE FILE 478](#)

- State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act makes, reduces, and transfers appropriations, provides salaries and compensation of state employees, and covers other properly related matters. Various provisions address health insurance coverage of certain cancer treatments and care provided in psychiatric medical institutions for children. Division XV provides tax incentives to certain data center businesses.

[HOUSE FILE 314](#)

- Regulation of Miscellaneous Public Health-Related Activities
SEE HEALTH AND SAFETY. This Act relates to health-related activities and regulation by the Department of Public Health and includes provisions requiring training and certification of persons to perform lead-safe renovations in child-occupied facilities and certain other facilities.

[HOUSE FILE 374](#)

- Grain Depositors and Sellers Indemnity Fund — Fees and Claims
SEE AGRICULTURE. This Act amends provisions relating to the Grain Depositors and Sellers Indemnity Fund for use in indemnifying a "depositor" who has stored grain with a warehouse operator and a "seller" who sells grain to a grain dealer, by providing for the waiver of fees based on the balance in the fund, modifying when a claim period commences, and increasing the indemnification amount resulting from a claimed loss. The Act takes effect March 19, 2009, and applies retroactively to October 1, 2008.

- [HOUSE FILE 414](#) - Appropriation Reductions, Transfers, and Supplementals
SEE APPROPRIATIONS. This Act primarily relates to public funding and regulatory matters for FY 2008-2009 by revising and supplementing existing appropriations. It includes supplemental appropriations for the Banking, Credit Union, and Utilities divisions of the Department of Commerce to restore a uniform reduction in appropriations made by the Governor under Executive Order Number 10 issued on December 22, 2008.
- [HOUSE FILE 477](#) - Real Estate Declaration of Value Forms — Social Security and Tax Identification Numbers
SEE TAXATION. This Act provides for the confidentiality of the social security number or federal identification number of a buyer or seller included on a declaration of value form required to be submitted to a county recorder upon the conveyance of real estate for purposes of calculating the amount of the real estate transfer tax.
- [HOUSE FILE 672](#) - Individual Development Accounts
SEE HUMAN SERVICES. This Act relates to individual development accounts available to certain persons with low income under Code Chapter 541A.
- [HOUSE FILE 706](#) - Mortgage Foreclosure and Installment Contract Protections for National Guard and Armed Forces Members
SEE PUBLIC DEFENSE AND VETERANS. This Act relates to protection afforded members of the National Guard and members of the reserve or regular component of the Armed Forces of the United States in active duty service, and their dependents, against foreclosure of a mortgage or enforcement of a real estate obligation payable in installments pursuant to contract.
- [HOUSE FILE 759](#) - Flood Hazard Area Insurance Requirements
SEE LOCAL GOVERNMENT. This Act makes state participation in funding financial assistance for a flood-related disaster in a city or county contingent upon the city or county participating in the National Flood Insurance Program pursuant to the terms, conditions, and deadlines contained in the Act. The Commissioner of Insurance, in collaboration with the Rebuild Iowa Office and the Homeland Security and Emergency Management Division of the Iowa Department of Public Defense, is required to develop recommendations and make a report on policies and incentives to expand the availability and procurement of flood insurance in the state.
- [HOUSE FILE 809](#) - Appropriations — Administration and Regulation
SEE APPROPRIATIONS. This Act relates to and appropriates from the General Fund of the State, and from other funds, to various administrative and regulatory state departments, agencies, and funds for FY 2009-2010. The Act also establishes a Department of Commerce Revolving Fund for the Banking, Credit Union, Utilities, and Insurance divisions of the department, and the Office of Consumer Advocate, which shall consist of moneys, fees, and other revenues collected by those divisions of the department and the office. The Act provides that operations of each division and office shall be funded through an appropriation made from the revolving fund.

BUSINESS, BANKING, AND INSURANCE

[SENATE FILE 176](#) - Cemetery and Funeral Merchandise and Funeral Services — Reports and Administrative Penalties

BY COMMITTEE ON COMMERCE. This Act allows the Commissioner of Insurance to waive administrative penalties against sellers and sales agents of cemetery and funeral merchandise and funeral services for failure to timely file annual reports, upon a showing of good cause or financial hardship.

The Act takes effect May 18, 2009.

[SENATE FILE 311](#) - Regulation of Debt Management Services

BY COMMITTEE ON COMMERCE. This Act relates to the regulation of the business of debt management pursuant to Code Chapter 533A.

The Act expands the definition of "debt management" to mean, for a fee, arranging or negotiating, or attempting to arrange or negotiate, the amount or terms of debt owed by a debtor to a creditor; receiving from a debtor, directly or indirectly, money or evidences thereof for the purposes of distributing it to one or more creditors of the debtor in payment or partial payment of the debtor's obligations; serving as an intermediary between a debtor and one or more creditors of the debtor for the purpose of obtaining concessions from the creditors; or engaging in debt settlement.

The Act adds to the list of persons exempt from the Code chapter's licensing requirements a person licensed pursuant to Code Chapter 533C in connection with money transmission or currency exchange and related persons as specified in the Act.

The Act requires additional information to be supplied on an application for licensure, including, among other information, furnishing the name, physical address, mailing address if different than the physical address, and telephone number of the licensee's agent for service of process, and a description of the proposed debt management program and a copy of disclosures required in the Code chapter to be provided to debtors.

The Act replaces current Code Section 533A.8, specifying written contract requirements, with a new list of requirements applicable to a licensee when dealing with a potential debtor client or otherwise engaging in the business of debt management. The requirements include describing the methodology of the debt management program so a debtor can make an informed decision regarding the appropriateness of the program; conducting a comprehensive review of the debtor's debts and the debtor's monthly budget; and performing a thorough written budget analysis.

The Act provides additional requirements relating to verbal and written disclosures required to be made by a licensee, and specifies the nature of the contents of a written contract entered into between a licensee and a debtor.

In addition, the Act allows a one-time initiation fee not to exceed \$50 for debt management services, and additional fees in amounts and at intervals which vary depending upon whether the debt management program requires distribution of money to the debtor's creditors.

The Act adds several new licensee actions which are considered unlawful acts and a violation of the Code chapter, provides that a waiver of the provisions of the Code chapter is void and unenforceable as contrary to public policy, and prohibits the attempt by a licensee to induce a debtor to waive the debtor's rights.

[SENATE FILE 355](#) - Regulation of Lenders and Lending Practices

BY COMMITTEE ON COMMERCE. This Act establishes licensure requirements relating to the origination of mortgage loans, in conformity with federal requirements.

The Act contains legislative intent provisions relating to the importance of residential real estate financing to the citizens and economy of this state and stating that the Act's provisions are directed at protecting

consumers and ensuring that the mortgage lending industry is operating without unfair, deceptive, or fraudulent practices on the part of mortgage loan originators.

The Act prohibits an individual from engaging in the business of a mortgage loan originator, as defined in the Act, with respect to any residential real estate located in Iowa without first becoming licensed pursuant to new Code Chapter 535D. The Act imposes a penalty of a class "D" felony for acting as a mortgage loan originator without having obtained licensure pursuant to the new Code chapter. In addition, a licensed mortgage loan originator must register with and maintain a valid unique identifier issued by the Nationwide Mortgage Licensing System and Registry. These provisions apply to individuals engaged in the business of a mortgage loan originator, and registered under Code Chapter 535B as an individual registrant beginning January 1, 2010.

The Act provides exemptions from the licensing provisions for registered mortgage loan originators, individuals who offer or negotiate terms of a residential mortgage loan with or on behalf of an immediate family member, individuals who offer or negotiate terms of a residential mortgage loan secured by a dwelling that served as the individual's residence, and licensed attorneys who negotiate the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client, unless the attorney is compensated by a lender, a mortgage broker, or mortgage loan originator or by any agent of such lender, mortgage broker, or mortgage loan originator. An additional exemption is provided for a licensed manufactured housing retailer selling mobile, manufactured, or modular homes under circumstances specified in the Act.

The Superintendent of Banking may adopt rules relating to the application and licensure process, and relating to participation in the Nationwide Mortgage Licensing System and Registry, and may waive or modify Code chapter requirements as reasonably necessary to participate in the registry.

The Act provides for information relative to an applicant's identity to be submitted to the registry, and specifies various conditions of licensure. The Act also addresses standards for license renewal and nonrenewal, continuing education requirements, duties and powers of the superintendent relative to mortgage loan originator regulation, and grounds for disciplinary action against a licensee and civil enforcement authority on the part of the superintendent.

The Act addresses confidentiality, contains provisions authorizing the superintendent to conduct investigations and examinations relating to licensing and violations of the new Code chapter, and specifies a list of prohibited acts and practices.

Additionally, the Act requires the superintendent to regularly coordinate with and report information to the registry, and requires the unique identifier assigned by the registry to appear on all documents, cards, and websites relating to a residential mortgage loan.

If the U.S. Department of Housing and Urban Development determines in writing that any provision of new Code Chapter 535D or its application is invalid under Title B of the federal Housing and Economic Recovery Act of 2009, the superintendent is authorized to adopt rules as necessary to ensure compliance with the federal Act.

Individuals with the status of individual registrants under Code Chapter 535B prior to January 1, 2010, who meet licensing requirements under Code Chapter 535D but have not completed prelicensing education requirements or passed the required written test, may be issued a temporary mortgage loan originator license. Beginning January 1, 2011, such individuals must comply with all requirements for licensure.

Divisions II and III of the Act modify related provisions of Code Chapters 535B, 536, and 536A, dealing with mortgage bankers and brokers, regulated loans, and industrial loans, respectively. The Code sections of Division II which eliminate the classification of "individual registrant" take effect January 1, 2010.

[SENATE FILE 379](#) - Dramshop Liability Insurance — Use of Loss History

BY COMMITTEE ON COMMERCE. This Act provides that if an insurer provides dramshop liability insurance at a new location to a licensee or permittee who has a positive loss history at other locations for which such

insurance is provided, and the insurer bases premiums at the new location on the negative loss history of a previous licensee or permittee at that location, the insurer shall examine and consider adjusting the premium at the new location not less than 30 months after the insurance is issued, based on the loss experience of the licensee or permittee at that location during that 30-month period of time.

SENATE FILE 435 - Land Surveyors — Entry Upon Property

BY COMMITTEE ON LOCAL GOVERNMENT. This Act creates a right of entry for a licensed land surveyor in order to occupy, locate, relocate, install, or replace survey monuments; to locate boundaries, rights-of-way, and easements; to determine geodetic positions; and to make surveys and maps.

The land surveyor must give notice entering upon private property. A land surveyor shall provide written notice to the landowner, or the person who occupies the land as a tenant or lessee, not less than seven days prior to the entry. The land surveyor has no authority to destroy, injure, or damage anything on the lands of another without the written permission of the landowner. The Act does not remove civil liability for any destruction, injury, or damage that might occur. A land surveyor who enters on private land must comply with all biosecurity and restricted-access protocols established by the owner or occupant of the private land.

A landowner or occupant shall owe the same duty to a land surveyor entering land without the consent of the landowner or occupant as the landowner or occupant would owe to a trespasser on that land.

HOUSE FILE 180 - Regulation of Credit Unions — Complaint Response Process

BY COMMITTEE ON COMMERCE. This Act provides for the establishment of a complaint response process pursuant to administrative rule by the Superintendent of Credit Unions.

The process shall include provisions relating to but not limited to complaint intake, preliminary informal and formal investigation procedures, complaint dismissal procedures, and imposition of remedial sanctions through an administrative resolution procedure or a contested case hearing. The Act specifies information obtained in the course of the process which the superintendent is required to keep confidential, and information which the superintendent may choose to keep confidential if disclosure is not otherwise required by law, and provides that at the discretion of the superintendent specified information relating to the identity of the complainant may be disclosed to the subject of the complaint or to an authorized agent of such person provided the superintendent has notified the complainant in advance of such disclosure. Disclosure or release of information by the superintendent in the course of an administrative or judicial proceeding shall not constitute a violation of the Act's provisions.

The Act authorizes disclosure of information which is otherwise confidential if determined by the superintendent to be in the public interest, and authorizes the superintendent to share such information with other regulatory authorities or government agencies and to publish information concerning a complaint if it is determined a violation of federal or state law, or administrative rule, has occurred, subject to redaction as determined appropriate by the superintendent to protect personally identifiable information.

HOUSE FILE 311 - Insurance Coverage for Prosthetic Devices

BY COMMITTEE ON COMMERCE. This Act provides that an individual or group policy, contract, or plan providing for third-party payments of health or medical expenses is required to provide coverage benefits for medically necessary prosthetic devices that, at a minimum, equal the coverage and payment for medically necessary prosthetic devices provided for under the most recent federal laws for health insurance for the aged and disabled. The Act applies to such policies, contracts, or plans delivered, issued for delivery, continued, or renewed in this state on or after July 1, 2009.

The Act also provides that a policy, contract, or plan issued for use in connection with a health savings account as authorized under federal law may impose the same deductibles and out-of-pocket limits on the required prosthetics coverage benefits that apply to substantially all health, medical, and surgical coverage benefits under that policy, contract, or plan.

HOUSE FILE 478 - **Insurance Coverage for Diabetes Self-Management and Education**

BY COMMITTEE ON COMMERCE. This Act requires that health coverage benefits for outpatient diabetes self-management training include at least 10 hours of initial training within a continuous 12-month period and up to two hours of follow-up training for each subsequent year for each individual diagnosed by a physician with any type of diabetes mellitus. Currently such coverage is required only for 10 hours of initial training for each individual who meets one of the enumerated conditions.

The coverage requirements apply to specified classes of individual and group third-party payment provider contracts, policies, or plans that are delivered, issued for delivery, continued, or renewed in this state on or after July 1, 2009.

The Act takes effect May 22, 2009.

HOUSE FILE 723 - **Insurance and Other Matters Regulated by the Insurance Division**

BY COMMITTEE ON COMMERCE. This Act amends various provisions under the purview of the Insurance Division of the Department of Commerce.

UNIFORM SECURITIES ACT. Code Section 502.409 is amended to expand the types of disciplinary tools available to an administrator upon withdrawal of registration by a broker-dealer, agent, investment advisor, or investment advisor representative under the Uniform Securities Act to include not only an action to revoke or suspend a license but also other enumerated actions.

INSURANCE DIVISION. Code Section 505.8 is amended to provide that the Commissioner of Insurance shall accept inquiries and complaints from the public and the commissioner or the commissioner's designee may respond, examine, or investigate such inquiries and complaints including conducting administrative hearings. In addition, the commissioner shall oversee the Consumer Advocate Bureau, of which the Consumer Advocate is the chief administrator, which may also receive and investigate consumer inquiries and complaints and is given expanded responsibility for ensuring fair treatment of consumers in the marketplace and by persons under the jurisdiction of the commissioner.

Code Section 505.15 is amended to allow the commissioner to retain, and to allow the commissioner's designee to request that the commissioner retain, various professionals and specialists to assist the Consumer Advocate Bureau in carrying out its duties in regard to rate filing reviews.

FILING OF ARTICLES OF INCORPORATION — BYLAWS. Code Sections 508.2, 512A.10(1), 514B.3A, 515.2, 518.2, 518A.8, 519.3, and 521A.14(3) are amended to provide that articles of incorporation and their amendments of certain life insurance companies, benevolent associations, health maintenance organizations, insurance other than life companies, county mutual insurance associations, state mutual insurance associations, professional liability insurance companies, and insurance holding company systems which are required to be filed with the commissioner, are no longer also required to be filed with the Attorney General. Bylaws or subsequent amendments to bylaws are required to be filed with the commissioner within 30 days of adoption.

VIATICAL SETTLEMENT CONTRACTS. Code Section 508E.3(1)(b)(1) and (2) are amended to provide that a licensed life insurance producer meets the requirements for licensure as a viatical settlement broker only if the person was licensed as a life insurance producer for at least one year immediately prior to operating as a viatical settlement broker and the licensed life insurance producer provides proof of coverage by an errors and omissions policy of not less than \$100,000 per occurrence and not less than \$100,000 total annual aggregate for all claims during the policy period.

Code Section 508E.3(3) and (9) are amended to change the term of licensure for a viatical settlement provider or broker from one to three years and to require a viatical settlement broker to complete 20 credits of training related to viatical settlements and viatical settlement transactions every three years.

LIFE INSURANCE COMPANIES AND ASSOCIATIONS. Code Section 511.8(18) is amended to provide that insurance companies may invest in additional percentages of common stocks or shares of stock in a direct or indirect subsidiary company domiciled in the United States upon application to the commissioner.

LONG-TERM CARE INSURANCE. Code Section 514G.102 is amended to provide that the requirements of Code Chapter 514G related to independent review of benefit trigger determinations apply to all claims made on or after January 1, 2009. This provision takes effect May 22, 2009, and is retroactively applicable to January 1, 2009.

Code Section 514G.104 is amended to allow group long-term care insurance issued in another state to be offered in Iowa upon certain findings by the commissioner. This amendment makes the provision consistent with the National Association of Insurance Commissioners' Model Act.

LONG-TERM CARE ASSET DISREGARD INCENTIVES. Code Section 514H.1 is amended by changing the terminology of "certified long-term care insurance policy" to "qualified long-term care insurance policy." Code Sections 249A.35, 514H.3, 514H.4, 514H.5, 514H.7, and 514H.8 are amended to reflect this change. Code Section 514H.1 is also amended to include new definitions for the federal Deficit Reduction Act of 2005 and Qualified State Long-Term Care Insurance Partnership.

Code Section 514H.2(2) is amended to require the Department of Human Services to take necessary actions, including filing an appropriate medical assistance state plan amendment to the state Medicaid plan to take full advantage of the benefits and features of the federal Deficit Reduction Act of 2005.

Code Section 514H.4 is amended to require an insurer who issues qualified long-term care insurance policies in Iowa to conform to policy guidelines expressed in the federal Deficit Reduction Act of 2005.

Code Section 514H.5, concerning the asset disregard adjustment, is amended by deleting previously specified eligibility criteria, and removing a requirement that the commissioner issue an annual bulletin about qualifying amounts for the Iowa Long-Term Care Asset Disregard Incentive Program.

Code Section 514H.9 is amended to remove requirements that the commissioner consult with the insurance industry before adopting rules concerning long-term care insurance and that such rulemaking power be construed narrowly.

INSURANCE OTHER THAN LIFE. Code Section 515.101 is amended to provide that an application, policy, or contract of insurance may stipulate that fraud, concealment, or misrepresentation of an insured may make such application, policy, or contract void before a loss occurs.

INSURANCE GUARANTY ASSOCIATION. Code Section 515B.1 is amended to make Code Chapter 515B applicable to insurance reinsured by government.

Code Section 515B.2 is amended to specify that a "covered claim" does not include obligations to a nonresident person who has a net worth greater than that allowed by the person's state guarantee fund law and who has been denied that state's coverage.

COUNTY MUTUAL INSURANCE ASSOCIATIONS. Code Section 518.5 is amended to increase from \$50,000 to \$100,000 the amount of insurance applied for and from 50 to 200 the number of applications received, before a county mutual insurance association formed on or after July 1, 2009, may issue policies.

Code Section 518.13 is amended to delete a requirement that a county mutual insurance association suspend a policy of an insured if there is a premium default.

Code Section 518.14(3)(a)(2), which allows a county mutual insurance association to loan stocks or obligations held by it to a registered broker-dealer or to a member bank, is stricken.

Code Section 518.14(4)(f)(1) and (2) are amended to provide that a county mutual insurance association may invest in common stocks, preferred stocks, or other securities of a subsidiary if such investments are reasonable as to the association's surplus, liabilities, and needs, and the association owns 100 percent of the subsidiary's stock.

Code Section 518.14(4)(g) is amended to provide that an association must receive prior approval of the commissioner before investing funds in home office real estate for a subsidiary. As to all home office real estate acquired on or after July 1, 2009, an association is prohibited from investing more than 20 percent, instead of 25 percent, of its total admitted assets in such real estate. An association or subsidiary must also obtain prior approval of the commissioner before selling or disposing of home office real estate.

Code Section 518.17 is amended to correct an error in terminology.

Code Section 518.19 is amended to delete a requirement that an insured give notice of proof of loss within a statutorily specified time and to allow the requirements of the policy to control.

Code Section 518.22 is amended to eliminate a requirement that a suit or action on a policy for recovery of a claim cannot be brought until 40 days after proof of loss has been given to the association and to instead allow the requirements of the policy to control.

Code Section 518.23(1) is amended to require an association to cancel a policy at any time at the request of the insured without first requiring that the policy be returned to the home office of the association and all premium charges be paid.

Code Section 518.23(4) is amended to delete the requirement that a policy must be surrendered by the insured to the home office of the association before the insured can receive a refund of excess payments.

Code Section 518.25 is amended to provide that an association organized before July 1, 2009, must maintain a surplus of not less than \$50,000 or one-tenth of 1 percent of the gross risk in force, whichever is greater, while an association organized on or after July 1, 2009, must maintain a surplus of not less than \$100,000 or one-tenth of 1 percent of the gross risk in force, whichever is greater.

New Code Section 518.31 allows the commissioner to adopt administrative rules as necessary for the administration of Code Chapter 518, which regulates county mutual insurance associations.

STATE MUTUAL INSURANCE ASSOCIATIONS. Code Section 518A.4, pertaining to the power of the association to make or amend articles of incorporation at an annual meeting, is repealed.

Code Section 518A.7, pertaining to requirements for a state mutual insurance association to issue policies based on specified numbers of applications and dollar amounts of insurance coverage, is repealed.

Code Section 518A.9 is amended by deleting a requirement that a state mutual insurance association suspend a policy if there is a premium default.

Code Section 518A.12(3)(a)(2), which allows a state mutual insurance association to loan stocks or obligations held by it to a registered broker-dealer or to a member bank, is stricken.

Code Section 518A.12(4)(f)(1) and (2) are amended to provide that a state mutual insurance association may invest in common stocks, preferred stocks, or other securities of a subsidiary if such investments are reasonable as to the association's surplus, liabilities, and needs, and the association owns 100 percent of the subsidiary's stock.

Code Section 518A.12(4)(g) is amended to provide that an association must receive prior approval of the commissioner before investing funds in home office real estate for a subsidiary. As to all home office real estate acquired on or after July 1, 2009, an association is prohibited from investing more than 20 percent, instead of 25 percent, of its total admitted assets in such real estate. The amendment also requires an association or subsidiary to obtain prior approval of the commissioner before selling or disposing of home office real estate.

Code Section 518A.19 is amended to delete a requirement that an insured give notice of proof of loss within a statutorily specified time and allow proof of loss to contain such information as is required by the provisions of the policy.

Code Section 518A.22 is amended to eliminate a requirement that a suit or action on a policy for recovery of a loss cannot be brought until 40 days after proof of loss has been given to the association and instead to allow the requirements of the policy to control so long as the suit or action is commenced within 12 months after the inception of the loss.

Code Section 518A.23, pertaining to a presumption that the amount stated in a policy is prima facie evidence of the insurable value of a building lost, is repealed.

Code Section 518A.29(1) is amended to require an association to cancel a policy at any time at the request of the insured without first requiring that the policy be returned to the home office of the association and all premium charges be paid.

Code Section 518A.29(4) is amended to delete the requirement that a policy must be surrendered by the insured to the home office of the association before the insured can receive a refund of excess payments.

Code Section 518A.37 is amended to provide that an association organized before July 1, 2009, must maintain a surplus of not less than \$100,000 or one-tenth of 1 percent of the gross risk in force, whichever is greater, while an association organized on or after July 1, 2009, must maintain a surplus of not less than \$200,000 or one-tenth of 1 percent of the gross risk in force, whichever is greater.

Code Section 518A.40(1) is amended to provide that certificates of authority expire on June 1 instead of May 1 following the year of issue.

New Code Section 518A.56 allows the commissioner to adopt administrative rules as necessary for the administration of Code Chapter 518A, which regulates state mutual insurance associations.

New Code Section 518A.57 provides that members of a state mutual insurance association have the power to make or amend articles of incorporation at any membership meeting upon proper notice, with such changes becoming effective only after approval by the commissioner and recording in the office of the Secretary of State.

CONSOLIDATION, MERGER, AND REINSURANCE. Code Section 521.2(1) is amended to provide that Code Sections 491.101, 491.101A, and 491.101B, which provide definitions, authorize a poison pill defense, and allow consideration of community interests in consideration of acquisition proposals, are applicable to mergers or consolidations of domestic and foreign mutual insurance companies.

CEMETERY AND FUNERAL MERCHANDISE AND FUNERAL SERVICES. Code Section 523A.202(1) is amended to provide that funds required to be held in trust by a seller of cemetery and funeral merchandise, and funeral services must be deposited in a financial institution within 15 days following receipt of the funds, instead of within 15 days after the close of the month in which the seller receives the funds.

CHILDREN AND YOUTH

- [SENATE FILE 101](#) - Shaken Baby Syndrome Prevention Program
- [SENATE FILE 152](#) - Human Services — Planning, Placement, and Services for Children
- [SENATE FILE 366](#) - Family in Need of Assistance and Emancipation of a Minor Proceedings
- [HOUSE FILE 315](#) - Services and Programs for Young Persons — State Councils
- [HOUSE FILE 562](#) - Human Services and Child Care — Councils

RELATED LEGISLATION

- [SENATE FILE 27](#) - Human Trafficking and Protection of Minors
SEE CRIMINAL LAW, PROCEDURE, AND CORRECTIONS. This Act relates to the crime of human trafficking and amends provisions in victims rights laws to extend protections to child victims of human trafficking relating to child victim services and the appointment of a guardian ad litem for a prosecuting witness who is a child.
- [SENATE FILE 209](#) - Public Safety and Law Enforcement Practices and Procedures
SEE STATE GOVERNMENT. This Act provides that custody and adjudication data of a juvenile shall remain part of the criminal history data of that juvenile after the juvenile has reached 21 years of age for the purpose of administering the requirements of the Sex Offender Registry.
- [SENATE FILE 236](#) - Psychiatric Medical Institutions for Children — Reimbursement
SEE HUMAN SERVICES. This Act relates to psychiatric medical institution for children (PMIC) services by providing for development and implementation of a new Medicaid program reimbursement methodology that is acuity-based and by addressing other PMIC service provisions. A PMIC provides intensive inpatient services to address medical, emotional, mental, behavioral, or substance abuse problems. This Act takes effect May 22, 2009.
- [SENATE FILE 319](#) - Child Support — Payment, Records, Fees, and Interest Charges
SEE HUMAN SERVICES. This Act relates to child support enforcement including withholdings of employee compensation for child support including medical support, collection fees, and the collection of interest on overdue child support payments.
- [SENATE FILE 340](#) - Sex Offender Registry
SEE CRIMINAL LAW, PROCEDURE, AND CORRECTIONS. This Act provides that a juvenile adjudicated for a sex offense that requires registration shall register as a sex offender unless the juvenile court waives the requirement to register. If a juvenile is initially required to register, the juvenile court may modify or suspend the registration requirements if good cause is shown. However, a juvenile 14 years of age or older at the time the offense was committed shall be required to register if the adjudication was for an offense committed by force or the threat of serious violence, by rendering the victim unconscious, or by involuntary drugging of the victim. A dispositional order entered prior to a child attaining the 17 years of age for a child required to register, may be extended one year and six months beyond the date the child becomes 18 years of age. If the juvenile court requires a juvenile to register, the juvenile court is required to determine whether the child shall remain on the registry prior to termination of the dispositional order. The Act also permits an offender required to register as a juvenile who is no longer under supervision to apply for a modification of the registry requirements if the Department of Corrections agrees to perform a risk assessment on the sex offender.

[SENATE FILE 389](#)

- Health Care — Services, Providers, and Insurance
SEE HEALTH AND SAFETY. This Act relates to health care, health care providers, and health care coverage. Division II of the Act requires that adult children who are unmarried, residents of this state, and up to 25 years of age, or who are full-time students, be allowed to reenroll in previously existing dependent coverage of their parents so long as they would not be considered late enrollees as defined in Code Section 513B.2(14). Current provisions only allow continuation of existing coverage. The division also provides that if the health benefits coverage or insurance of an Iowa taxpayer includes coverage of a nonqualified tax dependent as determined by the federal Internal Revenue Service, the amount of the value of that coverage is not subject to state income tax. This amendment applies retroactively to January 1, 2009. Division III includes provisions relating to the medical assistance (Medicaid) and hawk-i programs. Division III directs the Department of Human Services (DHS) to provide Medicaid or hawk-i coverage, as appropriate, to individuals under 19 years of age who meet income eligibility requirements under the respective program and for whom federal financial participation is or becomes available. The division amends the income tax provision for reporting of a dependent child's health care coverage status in order to facilitate application for enrollment of eligible children in the Medicaid or hawk-i program, as appropriate; includes provisions to improve access to and retention in the Medicaid and hawk-i programs; and incorporates the hawk-i expansion program, which extends coverage to children whose families have income up to 300 percent of the federal poverty level, into the existing hawk-i Program. The division provides that Medicaid and hawk-i coverage are creditable coverage for the purposes of portability to private and individual or group health insurance coverage.

[SENATE FILE 478](#)

- State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act makes, reduces, and transfers appropriations, provides salaries and compensation of state employees, and covers other properly related matters. Division XVII relates to a child care regulatory fee.

[SENATE FILE 482](#)

- Volunteer Service Programs
SEE LABOR AND EMPLOYMENT. This Act relates to youth employment programs administered by the Commission on Volunteer Service by establishing the Iowa Summer Youth Corps and Green Corps Programs. Provisions establishing the programs take effect May 26, 2009.

[HOUSE FILE 314](#)

- Regulation of Miscellaneous Public Health-Related Activities
SEE HEALTH AND SAFETY. This Act relates to health-related activities and regulation by the Department of Public Health and includes provisions addressing lead-safe renovations in child-occupied facilities and requirements for the state's program for universal newborn and infant hearing screening.

[HOUSE FILE 811](#)

- Appropriations — Health and Human Services
SEE APPROPRIATIONS. This Act relates to and makes appropriations for health and human services for FY 2009-2010 and includes numerous provisions involving children, including the hawk-i Program and other child health initiatives, child support, child care, child protection, child welfare, juvenile drug courts, and community empowerment funding. The Act also shifts responsibility for the Child Death Review Team to the State Medical Examiner, and requires the Department of Human Services to perform record checks and adopt rules establishing standards for children's centers.

[HOUSE FILE 820](#)

- Federal Block Grant Appropriations and Other Federal Funding
SEE APPROPRIATIONS. This Act appropriates federal block grant, federal American Recovery and Reinvestment Act of 2009 (ARRA) or federal stimulus funds, and other

nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, and for the state fiscal year beginning July 1, 2009, and ending June 30, 2010. The Act includes funding for various programs involving children and families, including Child Care and Development, Maternal and Child Health Services, Community Services, and Social Services Block Grants. ARRA moneys designated for child care quality improvement are allocated for supporting low-income families in securing high-quality child care. See H.F. 811 (Appropriations) for expenditure of the federal Temporary Assistance for Needy Families Block Grant.

CHILDREN AND YOUTH

[SENATE FILE 101](#) - Shaken Baby Syndrome Prevention Program

BY COMMITTEE ON HUMAN RESOURCES. This Act establishes a Shaken Baby Syndrome Prevention Program in the Department of Public Health.

Shaken baby syndrome is defined to mean the collection of signs and symptoms resulting from the vigorous shaking of a child who is age three or younger that may result in bleeding inside the head and may result in any of a number of conditions listed in the Act.

The program is directed to parents and persons responsible for the care of a child. Various elements are required to be included in a program plan to be developed by the department.

The department is required to consult with various experts in developing the program plan. The program plan is required to incorporate a multiyear, collaborative implementation approach and address how to involve various programs, health services providers, and agencies that work with the target population.

The program plan is also required to identify the methodology for improving the tracking of shaken baby syndrome incidents and evaluating program results and to describe how program results will be reported.

The program plan may provide for implementation of the program through a contract with a private agency or organization experienced in furnishing the services set forth in the program plan.

The department's implementation of the program plan is limited to the extent of the amount appropriated or made available for the program for a fiscal year.

[SENATE FILE 152](#) - Human Services — Planning, Placement, and Services for Children

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to administrative and planning requirements involving children for whom the Department of Human Services has responsibility under state or federal law.

Division I — Transition Planning

Division I revises transition planning required of the department for older children in foster care who are age 16 or older and approaching adulthood.

Existing law in Code Section 232.2 provided for development of a transition plan and needs assessment for such children as part of the case permanency plan that is required for each child who is subject to a court order transferring custody of the child to the department or other agency for placement. The transition plans are subject to the approval of local transition committees which the department is required to establish.

The department is required by the Act to develop the transition plan with the child present in collaboration with a child-centered team. The team membership is required to include the child's caseworker and persons selected by the child, persons who have knowledge of the services available to the child, and persons who may become service providers or become responsible for the costs of the services when the child becomes an adult, including certain persons involved with the adult services system.

The transition plan is required to address housing and various other areas of need when the child becomes an adult. The transition plan is considered to be a working document and is required to be reviewed and updated for each permanency hearing by the court or other formal case permanency plan review and during the 90-calendar-day period preceding the child's 18th birthday and during the 90-calendar-day period preceding the date the child is expected to exit foster care if that occurs after the child's 18th birthday, and may be reviewed and updated more frequently.

Division II — Education-Related Requirements, Relative Placement, and Sibling Considerations

Division II addresses education-related requirements, relative placement, and sibling considerations involving placements.

The definition of case permanency plan in Code Chapter 232 is expanded to require documentation of the educational stability of a child and of the educational setting the child attends while in placement. These plans are federally required and are regularly reviewed by the court while a child is in an out-of-home placement.

New Code Section 232.84 requires the department, juvenile court services, or other agency placing a child to provide a notification to the child's relatives when legal custody has been transferred to the department. The notice requirement has an exception when family or domestic violence is present. The notice must be provided within 30 days of entry of the custody transfer order and extends to the child's close relatives, such as grandparents, aunts, and uncles, and to relatives identified by the child's parent. The notice has various required elements including an explanation of the options available for the relative to participate in the care of the child and to receive financial and program assistance for doing so.

New Code Section 234.4 requires the department to fulfill the parental responsibilities under law when a child is subject to the compulsory school attendance law and the department has custody or has other responsibility based upon the child's involvement in a departmental program involving foster care, preadoption or adoption, or subsidized guardianship placement. Subject to certain exceptions, a parent, guardian, or legal or actual custodian of a child who is of compulsory attendance age is required to cause the child to attend a public school, an accredited nonpublic school, or competent private instruction, during a school year.

New Code Section 280.29 provides directives to school districts and nonpublic schools that apply when a child in foster care is transferring to or from a school district. If a child is transferring into a school district, the school district is required to provide immediate and appropriate enrollment of the child. The school district or nonpublic school from which the child is transferring is required to transfer the child's educational records within five school days of being notified of the transfer.

A child in a foster care placement may remain enrolled in a school within the school district the child was enrolled in at the time of placement unless it is determined by juvenile court or a placement agency that remaining in that school is not in the best interests of the child.

SENATE FILE 366 - Family in Need of Assistance and Emancipation of a Minor Proceedings

BY COMMITTEE ON JUDICIARY. This Act prescribes juvenile proceedings for the emancipation of a minor and relates to family in need of assistance proceedings.

The Act provides that a minor 16 years of age or older may file a petition for an order of emancipation in juvenile court provided the minor is a resident of the state, and is not in the care, custody, or control of a state agency.

The petition for emancipation shall include facts supporting the financial self-sufficiency of the minor which shall not include assistance or subsidies from a governmental agency, but shall include the ability and commitment of the minor to manage the personal affairs of the minor, the ability and commitment of the minor to obtain educational training or employment, and any other information considered relevant to support the petition.

The petition shall also include documentation of the minor living on the minor's own for at least three months and a statement explaining the reasons the minor believes the home of the minor's parents or guardian is not a healthy or safe environment, or a notarized statement that contains written consent to emancipation by the minor's parents or guardian.

The juvenile court shall hold a hearing on the petition within 90 days of the filing of the petition. Notice of the hearing shall be by personal service upon the child's parent or legal guardian at least 30 days prior to the hearing date.

The juvenile court may stay the proceedings and refer the minor and the minor's parents or guardian to mediation or request the Department of Human Services to investigate any abuse or neglect allegations of the minor and file a report with the court.

The court may, on its own motion, discontinue emancipation proceedings and interpret the emancipation petition as a petition to initiate family in need of assistance proceedings and consider the petition under Code Sections 232.122 through 232.127. If after referral of a petition for the initiation of family in need of assistance proceedings, the court finds, by clear and convincing evidence, that no remedy is available that would result in strengthening or maintaining the familial relationship under the family in need of assistance proceedings, the court may order the minor emancipated.

The juvenile court shall determine emancipation based upon the best interests of the minor, and shall consider all relevant factors, including the potential risks and consequences of emancipation, the ability of the minor to be self-sufficient, the education level of the minor, the minor's criminal record, and the desires of the minor and the minor's parents or guardian.

If the court orders emancipation of the child, the minor has the power to sue or be sued, enter into binding contracts, establish a legal residence, incur debts, and make medical decisions.

An emancipated minor remains subject to voting, alcohol, gambling, and tobacco restrictions as provided by law. An emancipated minor is also required to attend school as provided in Code Chapter 299.

If the court orders emancipation of the child, the parents or guardian of the child are exempt from making future child support payments, and providing medical support, unless deemed necessary by the court, and are exempt from rights to the income or property of the emancipated child and from the responsibility of any debts incurred by the child after emancipation.

An emancipated child shall not be considered an adult for prosecution except as provided in Code Section 232.8.

HOUSE FILE 315 - Services and Programs for Young Persons — State Councils

BY COMMITTEE ON HUMAN RESOURCES. This Act creates an Iowa Collaboration for Youth Development Council and a State of Iowa Youth Advisory Council. The lead agency for both entities is the Department of Human Rights (DHR).

The creation of the councils is codified in the portion of Code Chapter 216A pertaining to the Division of Criminal and Juvenile Justice Planning.

The term "youth" is defined to mean children and young persons who are ages 6 through 21 years.

For the Iowa Collaboration for Youth Development Council, the Act specifies a purpose, vision statement, membership and procedural authority, and duties. The membership is to be determined by the council itself but is required to include staff from various state agencies. The duties of the council include various coordination and analysis functions and include a required annual report to the Governor and General Assembly.

The purpose of the State of Iowa Youth Advisory Council is to provide input to the Governor, General Assembly, and other policymakers regarding youth issues. The membership of not more than 21 persons is to be appointed by the Director of DHR. The membership is limited to youth who are age 14 through 20 years. The youth advisory council is authorized to determine its own rules of procedure and operating policies, subject to approval by the department director or the director's designee.

HOUSE FILE 562 - Human Services and Child Care — Councils

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to the Council on Human Services and the State Child Care Advisory Council.

The Council on Human Services is the primary policymaking body for the Department of Human Services (DHS). Four legislators are added as ex officio, nonvoting members.

The Child Care Advisory Council voting membership appointing authority is charged to the Governor in place of the Director of DHS. Appointments are generally made from nominees submitted by a nominating committee

consisting of various child care interests and professionals. Prior law specified representation of particular interests for 22 slots with a maximum of 35 voting members. The slot designated for an unregistered child care home provider is instead designated for a provider who is exempt from licensing or registration, or a "family, friend, and neighbor child care" provider, as defined by the Act. Five additional slots are added: a business owner or executive officer from nominees submitted by the Iowa Chamber of Commerce Executives; the Community Empowerment Office; the Iowa Afterschool Alliance; a local program implementing the Statewide Preschool Program for Four-Year-Old Children; and the Early Childhood Iowa Council.

Current law in Code Section 237A.22 authorizes the advisory council to advise DHS concerning a list of items involving child care. The Act adds to this list the federal Child Care and Development Block Grant and other funding sources for child care.

The Act also requires DHS to semiannually provide to the advisory council various types of financial, expenditure, usage, and statistical information.

The advisory council is directed to make recommendations about various topics.

Finally, the advisory council is required to annually report to the Governor and General Assembly concerning the status of child care in the state, providing findings, and making recommendations.

CIVIL LAW, PROCEDURE, AND COURT ADMINISTRATION

- [SENATE FILE 118](#) - Judicial Procedure and Administration — Miscellaneous Provisions
- [SENATE FILE 150](#) - Claims Against Special Charter Cities — Limitations
- [SENATE FILE 199](#) - Uniform Athlete Agents Act
- [SENATE FILE 320](#) - Regulation of Charitable Trusts
- [SENATE FILE 364](#) - Civil Actions and Proceedings Affecting Real Estate
- [SENATE FILE 365](#) - Administration of Estates and Trusts
- [HOUSE FILE 266](#) - Recording of Magistrate Proceedings
- [HOUSE FILE 676](#) - Civil Commitment of Sexually Violent Predators
- [HOUSE FILE 712](#) - Consumer Fraud — Private Right of Action

RELATED LEGISLATION

- [SENATE FILE 137](#) - Civil Rights and Employment Practices — Wage Discrimination
SEE LABOR AND EMPLOYMENT. This Act provides that discrimination against any employee on the basis of pay because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such employee is an unfair employment practice under the Iowa Civil Rights Act. If a violation is found, the Act authorizes the Civil Rights Commission to award damages to a person subject to wage discrimination in an amount double the wage differential paid to any other employee compared to the complainant for the period of time for which the complainant has been discriminated against, and, in instances of willful violation, up to three times that wage differential amount.
- [SENATE FILE 152](#) - Human Services — Planning, Placement, and Services for Children
SEE CHILDREN AND YOUTH. This Act relates to administrative and planning responsibilities involving children who are subject to a court order for out-of-home placement and addresses transition planning for children nearing adulthood, notifying a child's relatives concerning options for placing the child with the relatives, documenting the educational stability of the school setting for such children, and providing for the child to continue attending school in the same school district that the child was enrolled in at the time of placement unless it is determined the continued attendance is not in the child's best interests.
- [SENATE FILE 270](#) - Registration of Postsecondary Schools
SEE EDUCATION. This Act transfers from the Office of the Secretary of State to the College Student Aid Commission the administrative duties relating to the registration of postsecondary schools and the responsibilities relating to the evidence of financial responsibility of those schools. A violation of the registration requirements constitutes an unlawful practice under the Consumer Fraud Act.
- [SENATE FILE 280](#) - Emergency Assistance Immunity — Disasters
SEE PUBLIC DEFENSE AND VETERANS. This Act relates to disaster emergency assistance immunity.
- [SENATE FILE 288](#) - Recorded Documents and Instruments — Contents, Fees, and Indexing
SEE LOCAL GOVERNMENT. This Act makes changes to the office of the county recorder by amending requirements for the contents of documents filed with the county recorder, by incorporating all of the existing recording fee provisions into Code Section 331.604, and by amending the requirements for certain indexes maintained by the county recorder.

- [SENATE FILE 319](#) - Child Support — Payment, Records, Fees, and Interest Charges
SEE HUMAN SERVICES. This Act relates to child support enforcement including withholdings of employee compensation for child support including medical support, collection fees, and the collection of interest on overdue child support payments.
- [SENATE FILE 356](#) - Motor Vehicle Regulations — Licensing of Foreign Nationals — False Convictions
SEE TRANSPORTATION. This Act establishes a procedure to remove a scheduled violation conviction under Code Chapter 321 from a person's record if the conviction was obtained by fraudulent use of a person's name.
- [SENATE FILE 366](#) - Family in Need of Assistance and Emancipation of a Minor Proceedings
SEE CHILDREN AND YOUTH. This Act prescribes juvenile proceedings for the emancipation of a minor and relates to family in need of assistance proceedings. The Act provides that a minor 16 years of age or older may file a petition for an order of emancipation in juvenile court provided the minor is a resident of the state and is not in the care, custody, or control of a state agency. The juvenile court, on its own motion, may discontinue emancipation proceedings and interpret the emancipation petition as a petition to initiate family in need of assistance proceedings pursuant to Code Sections 232.122 through 232.127.
- [SENATE FILE 415](#) - Property Rights, Disaster Recovery, and Abandoned Property
SEE LOCAL GOVERNMENT. This Act authorizes a city to petition a court to enter judgment awarding title to a "disaster-affected abandoned building," as defined in the Act, located in the city. A petition must be filed not later than December 31, 2010. The Act specifies the duties of the court in determining whether the property is a "disaster-affected abandoned building" and the duties of the clerk of the district court with regard to an award of damages to the respondents.
- [SENATE FILE 465](#) - Identity Theft Protection, Recorded County Documents, and County Recorder Fees
SEE LOCAL GOVERNMENT. This Act amends provisions relating to the duties and authority of county recorders and the County Land Record Information System. The Act increases the electronic transaction fee from \$1 per recorded transaction to \$3 for transactions recorded between July 1, 2009, and June 30, 2011. However, the electronic transaction fee for recording a plat of survey shall continue to be \$1. The electronic transaction fee for transactions recorded on or after July 1, 2011, is lowered to \$1.
- [SENATE FILE 472](#) - Appropriations — Judicial Branch
SEE APPROPRIATIONS. This Act makes appropriations for FY 2009-2010 to the judicial branch. The Act permits the Chief Justice of the Supreme Court to place judicial officers on unpaid leave if court employees are placed on temporary layoff status. The Act also permits a judicial officer to waive travel reimbursement for any travel outside the judicial officer's county of residence to conduct official business. The provisions relating to judicial officer unpaid leave and travel reimbursement take effect May 4, 2009.
- [SENATE FILE 478](#) - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act makes, reduces, and transfers appropriations, provides salaries and compensation of state employees, and covers other properly related matters. Division V increases certain fees charged by the judicial branch, relates to claims of adverse possession for a cemetery or pioneer cemetery, and provides requirements for service as a magistrate. Division X relates to judicial nominating commission elections. Division XI relates to the delay of judicial appointments. Division XXI relates to apportionment of magistrates.

- [HOUSE FILE 414](#) - Appropriation Reductions, Transfers, and Supplementals
SEE APPROPRIATIONS. This Act primarily relates to public funding and regulatory matters for FY 2008-2009 by revising and supplementing existing appropriations. It includes reductions to judicial branch appropriations and authority for the judicial branch to delay the filling of judicial vacancies for budgetary reasons.
- [HOUSE FILE 488](#) - Assistive or Service Animals
SEE HEALTH AND SAFETY. This Act requires that a person assisting a person with a disability by controlling an assistive animal be allowed to accompany the person with the disability and the assistive animal in public facilities and accommodations specified under Code Chapter 216C, which provides for the rights of persons with physical disabilities.
- [HOUSE FILE 618](#) - Enforcement of Wage Payment Collection and Child Labor Laws
SEE LABOR AND EMPLOYMENT. This Act amends several provisions relating to the duties of the Labor Commissioner pursuant to wage payment collection penalties and child labor law enforcement and penalties. Division II of the Act requires the Commissioner of Labor to define civil penalty amounts by rule and authorizes the commissioner to assess a civil penalty of up to \$10,000 for each child labor violation.
- [HOUSE FILE 697](#) - Interference With Judicial Acts
SEE CRIMINAL LAW, PROCEDURE, AND CORRECTIONS. This Act creates the criminal offense of interference with judicial acts. A person commits interference with judicial acts if the person harasses a judicial officer, court employee, or family member of a judicial officer or court employee, in violation of Code Section 708.7, with the intent to interfere with or improperly influence, or in retaliation for, the official acts of a judicial officer or court employee. A person who violates the Act commits an aggravated misdemeanor.
- [HOUSE FILE 811](#) - Appropriations — Health and Human Services
SEE APPROPRIATIONS. This Act relates to and makes appropriations for health and human services for FY 2009-2010 and includes numerous provisions involving civil law, including child support, juvenile justice and child welfare, and mental health funding.

CIVIL LAW, PROCEDURE, AND COURT ADMINISTRATION

SENATE FILE 118 - Judicial Procedure and Administration — Miscellaneous Provisions

BY COMMITTEE ON JUDICIARY. This Act relates to the judicial branch, including contested and uncontested parking violations, city and county penalties, filing civil citations of municipal infractions, records kept by the clerk of the district court, and service of original notice in a small claims action.

The Act removes the clerk of the district court from collecting uncontested parking violation fines of a city or county.

The Act equalizes the maximum fine for a city or county ordinance violation with the maximum fine for a simple misdemeanor. The maximum fine for a simple misdemeanor is \$625. Under previous law, the maximum fine for a city or county violation was \$500.

Under the Act, when a violation of a municipal infraction occurs and a civil penalty is assessed, a copy of the citation shall be served on the defendant, and the original citation shall be sent to the clerk of the district court. Previous law required that a copy of the citation be sent to the clerk of the district court.

The Act strikes the requirement that the clerk of the district court keep a cemetery record book related to Code Section 5231.602.

The Act requires the clerk of the district court to keep a record book of certificates of deposit that have not been issued in the name of the clerk but are being held by the clerk on behalf of a conservatorship, trust, or an estate. The record book shall list the relevant details of the transaction, including but not limited to the name of the conservator, trustee, or executor, and cross-references to the court orders opening and closing the conservatorship, trust, or estate. Previous law required the clerk to provide a detailed accounting of all funds deposited with the clerk pursuant to Code Section 636.37.

The Act provides that if the defendant in a small claims action is a corporation, partnership, or association, the clerk, to obtain service, shall mail to the defendant a copy of the original notice, with a conforming copy of the answer form, by certified mail, return receipt to the clerk requested.

SENATE FILE 150 - Claims Against Special Charter Cities — Limitations

BY COMMITTEE ON JUDICIARY. This Act eliminates the requirement that a notice of a claim against a special charter city for personal injury or damage to property resulting from defective streets or sidewalks or from any cause originating in the neglect or failure of any municipal corporation or its officers to perform their duties be presented to the city council or filed with the city clerk within 30 days after the injury or damage in order to sustain a tort action against the special charter city. The Act also eliminates the requirement that a notice of any unliquidated damage claim against a special charter city be filed with the city clerk or recorder 30 days before a lawsuit is filed against a special charter city, and specifies that all such actions against a special charter city must be brought within two years after the alleged injury or damage. The elimination of these notice of claim requirements is consistent with the elimination of the notice of claim requirement relating to tort claims against a municipality enacted in 2007 Iowa Acts, chapter 110, section 5 (S.F. 384).

SENATE FILE 199 - Uniform Athlete Agents Act

BY COMMITTEE ON JUDICIARY. This Act repeals the existing provisions of Code Chapter 9A, which relate to the registration of athlete agents, and replaces them with the Uniform Athlete Agents Act. The Uniform Athlete Agents Act provides for uniform registration, certification, and background checks of athlete agents seeking to represent student athletes who are or may be eligible to participate in intercollegiate sports; imposes specified contract terms on agreements between student athletes and athlete agents; and provides educational institutions with a right to notice of the existence of a contract between an athlete agent and a student athlete. The Act also provides an educational institution with civil remedies against an athlete agent or a student athlete who violates the provisions of the Code chapter.

An athlete agent who violates the prohibited activities section of the Code chapter is guilty of a serious misdemeanor. Prohibited activities include providing materially false, misleading, deceptive, or fraudulent information; making a materially false or misleading promise or a materially false, misleading, deceptive, or fraudulent representation; furnishing things of value before a contract is made with an athlete; violating the Code chapter's registration requirements; predating or postdating an agency contract; and failing to notify a student athlete prior to signing that signing an agency contract may make the student athlete ineligible to participate as a student athlete in that sport.

SENATE FILE 320 - Regulation of Charitable Trusts

BY COMMITTEE ON JUDICIARY. This Act amends Code Chapter 633A, the "Iowa Trust Code," and specifically Subchapter V which governs charitable trusts, created for beneficial purposes (the relief of poverty, the advancement of education or religion, or the promotion of health). A trust may be created by a settlor who transfers property to the trust which is administered by a trustee on behalf of a beneficiary. A settlor may create a trust using a number of methods including by executing a trust instrument during the settlor's lifetime or a will that takes effect upon the settlor's death (see Code Section 633A.2101). The Act applies to a charitable trust with assets of more than \$25,000 and which is recognized as a nonprofit entity or charitable trust by the Internal Revenue Code.

The Act provides that within 60 days after the creation of a charitable trust, the trustee must register the trust with and submit a copy of the trust instrument to the Attorney General. In addition, the trustee must file an annual report with the Attorney General. The trustee of a charitable trust existing prior to July 1, 2009, must register the charitable trust with the Attorney General and provide a financial report to the Attorney General within 135 days after the close of the charitable trust's fiscal year. Certain documents filed with the Attorney General are confidential, including those submitted by a charitable remainder trust or a charitable trust.

The Act authorizes the Attorney General to investigate a charitable trust to determine whether the trust is administered in accordance with the law and the terms and purposes of the trust and to bring legal action if necessary to compel compliance.

SENATE FILE 364 - Civil Actions and Proceedings Affecting Real Estate

BY COMMITTEE ON JUDICIARY. This Act relates to civil actions including certain limitations on actions, judgments, and executions, and including actions relating to the foreclosure of real estate mortgages, and provides applicability provisions.

In an action in which the court had jurisdiction of the aggrieved party, a motion or other legal proceeding attacking the validity of the judgment or decree based on failure to comply with the Rules of Civil Procedure relating to the entry of default judgments shall not affect the interests of any purchaser or mortgagee for value of the real property involved unless the motion or proceeding is initiated within 30 days after the recording of the sheriff's deed or within 90 days after the filing of a judgment or decree not providing for the issuance of a sheriff's deed.

In regard to an execution on a judgment in a foreclosure action, a judgment entered in either of the following situations shall be null and void, all liens shall be extinguished, and no execution shall be issued for any purpose except as a setoff or counterclaim:

1. For a real estate mortgage, deed of trust, or real estate contract executed prior to July 1, 2009, an action for the foreclosure of a real estate mortgage, deed of trust, or real estate contract upon property which at the time the foreclosure is commenced is either used for an agricultural purpose or as a one-family or two-family dwelling which is the residence of the mortgagor, borrower, or vendee.
2. For a real estate mortgage, deed of trust, or real estate contract executed on or after July 1, 2009, an action for the foreclosure of a real estate mortgage, deed of trust, or real estate contract upon property which at the time of the execution of the mortgage, deed of trust, or real estate contract is either used for, or is being acquired for, an agricultural purpose as defined in Code Section 535.13 or as a one-family or two-family dwelling which is the residence of the mortgagor, borrower, or vendee.

The Act expands the options for allowing postponement of a sheriff's sale to include allowing a postponement upon a request by a judgment creditor and also extends the number of allowable postponements from two postponements of not more than three days each to two postponements not to exceed a total of 60 days in the aggregate.

The Act establishes a provision preserving mortgage protections for a mortgagor in situations where the mortgagor ceases to occupy the mortgagor's residence because of the effects of natural disasters, injuries to the property, and relocations due to military service. This provision applies to all actions commenced on or after July 1, 2009.

The Act provides specific service of process provisions for judgment creditors and their attorneys as well as executors and administrators of a decedent's estate where in rem relief is the only relief requested in a foreclosure action.

Prior to commencing a foreclosure on the accelerated balance of a mortgage loan, and after termination of any applicable cure period, a creditor must give the borrower a 14-day demand for payment of the accelerated balance to apply for an award of attorney fees on the accelerated balance. The Act also requires a mortgage foreclosure attorney to notify a homeowner about the availability of counseling and mediation services as the Attorney General may prescribe. Failure to provide such notice to a homeowner allows the homeowner to obtain a delay of the recording of the sheriff's sale or delay of the recording of the sheriff's deed, not to exceed 60 days, to obtain mortgage counseling and mediation. The provisions in this paragraph take effect May 1, 2009; however, the notice provisions relating to counseling and mediation are repealed July 1, 2011.

Courts are required to determine the rights of all persons joined as parties or receiving notices of their right to intervene in a foreclosure action where title issues have been raised by the pleadings and resolution of such issues is necessary to provide clear title to persons purchasing the land at a sheriff's sale.

The Act amends notice provisions relating to pending foreclosures to require a mortgagee to provide additional information relevant to a judgment creditor's decision to intervene in a foreclosure action.

The requirement that the mortgagor consent to a rescission of a foreclosure action is eliminated.

The Act provides that, except as otherwise provided, the filing of a rescission shall operate as a setting aside of the decree of foreclosure and a dismissal of the foreclosure without prejudice, with costs assessed against the plaintiff, eliminates deficiency judgments against the mortgagee if such judgments would otherwise be restricted, and limits the assessment of costs, including reasonable attorney fees, of foreclosure and rescission actions to those agreed to in writing by the mortgagor.

The Act allows first mortgage lenders to make loan modifications to allow the mortgagor to continue to reside in the mortgagor's home and to eliminate unnecessary junior lienholders.

The Act provides that a notice in a nonjudicial foreclosure shall contain a postal or electronic mail address where rejection of the notice may be served, provides that a rejection of a notice shall be served according to the Rules of Civil Procedure for service of original notice, and eliminates the requirement that a rejection of the notice reference a document reference number.

The Act allows for the reopening of a nonjudicial foreclosure to resolve title issues where a junior lienholder was not properly served with a notice.

The Act prohibits the use of a nonjudicial foreclosure in circumstances where the real estate that is the subject of the foreclosure is a one-family or two-family home occupied by a legal titleholder. This provision applies to all nonjudicial foreclosures of nonagricultural mortgages commenced on or after July 1, 2009.

The Act provides applicability provisions and for some future repeals.

SENATE FILE 365 - Administration of Estates and Trusts

BY COMMITTEE ON JUDICIARY. This Act relates to trusts and estates including the administration of small estates and includes retroactive and other applicability provisions.

An interest in real estate held of record at any time by a trust shall be deemed to be held of record by the trustee of such trust. This provision applies retroactively to all trusts in existence on or after July 1, 1999.

A probate court shall prescribe a time for a hearing not less than 20 days after the date the notice in a probate proceeding is served unless the court finds there is good cause shown to shorten the time period to less than 20 days. The court shall also prescribe the manner in which the notice shall be served. This provision applies to orders setting hearings entered on or after July 1, 2009.

The specific requirements for notice provisions applicable to a situation where a personal representative of the estate of the decedent, who is the spouse, is appointed, are not applicable if the surviving spouse or the spouse's conservator files, at any time, an election to take under the will, receive the intestate share, or take under the revocable trust. This provision applies to estates of decedents and revocable trusts of settlors dying on or after July 1, 2009.

The Act limits the elective share of the surviving spouse who elects to take against a decedent's will to the elective share portions contained in Code Section 633.238 and does not include nonprobate or nontrust assets. This provision applies to estates of decedents and revocable trusts of settlors dying on or after July 1, 2009.

The Act adds the spousal share provisions of the Iowa Probate Code based upon the circumstances in existence at the time of the decedent's death to a provision relating to the elective share of the surviving spouse that provides that an election of a surviving spouse is not subject to change except for a situation that would justify an equitable decree for the rescission of a deed. This provision applies to estates of decedents and revocable trusts of settlors dying on or after July 1, 2009.

If real property is titled at any time in a decedent's estate, such property shall be treated as titled in the name of the personal representative of the estate. This provision applies retroactively to conveyances occurring on or after July 1, 1999.

Specific notice provisions are provided for a minor child or the legal guardian of a minor child of a decedent who does not reside with a surviving spouse of the child's right to request a family allowance from the decedent's estate. This provision applies to estates of decedents dying on or after July 1, 2009.

Any real property titled at any time in the name of a conservatorship shall be deemed to be titled in the ward's name subject to the conservator's right of possession. This provision applies to conveyances occurring on or after July 1, 1999.

The Act specifies that Code Section 633A.2203 applies to the termination of an irrevocable trust or the modification of the dispositive provisions of an irrevocable trust. The Act also specifies that Code Section 633A.2203 shall not be used to remove or replace a trustee. This provision applies to all proceedings to modify dispositive provisions of or to terminate an irrevocable trust on or after July 1, 2009, regardless of the date the trust was created.

The Act creates an exception for remedying a breach of trust which has occurred or may occur in the future. The exception relates generally to a trustee's duty to keep the qualified beneficiaries of a trust reasonably informed about the administration of the trust for remedying a breach of trust which has occurred or may occur in the future. This provision does not apply to any trust created prior to July 1, 2002, and applies to trusts created on or after July 1, 2002, unless the settlor has specifically waived the requirements of Code Section 633A.4502 in the trust instrument. Waiver of Code Section 633A.4502 shall not bar a beneficiary's common law right to an accounting and shall not provide any immunity to a trustee, acting under the terms of a trust, for liability to any beneficiary who discovers facts giving rise to a cause of action against the trustee.

The Act requires a personal representative of a small estate to file proof of service of a closing statement. This provision applies to estates of decedents dying on or after July 1, 2009.

The Act makes changes to provisions in Iowa's Uniform Principal and Income Act (UPIA, Code Chapter 637), which provides certain procedures for trustees who administer trusts and personal representatives who administer estates to allocate receipts and payments to principal and income. The changes relate to certain payments including payments characterized as interest, a dividend, or an equivalent payment, that a trustee may receive over a fixed number of years or during the life of one or more individuals because of services rendered or property transferred to the payor in exchange for future payments. The changes also relate to income taxes required to be paid by a trustee. The changes to the UPIA are necessary to address concerns by the Internal Revenue Service that would otherwise disqualify certain retirement accounts from eligibility for a marital deduction. Such provisions apply as of the date of the decedent's death for marital trusts funded beginning on or after January 1, 2009. For all other marital trusts, such provisions apply on or after January 1, 2009.

HOUSE FILE 266 - **Recording of Magistrate Proceedings**

BY KAUFMANN AND SWAIM. This Act provides that all trials before a magistrate in small claims court which are not reported by a certified court reporter at a party's expense shall be electronically recorded.

HOUSE FILE 676 - **Civil Commitment of Sexually Violent Predators**

BY COMMITTEE ON PUBLIC SAFETY. This Act modifies provisions relating to the eligibility for a final hearing in a civil commitment proceeding for a sexually violent predator.

Under the Act, a committed person is entitled to a final hearing each year if the committed person proves by a preponderance of the evidence that there is relevant and reliable evidence to rebut the presumption of continued commitment, which would lead a reasonable person to believe a final hearing should be held to determine either of the following: the mental abnormality of the committed person has so changed that the person is not likely to engage in predatory acts constituting sexually violent offenses if discharged; or the committed person is suitable for placement in a transitional release program pursuant to Code Section 229A.8A.

Under previous law, a committed person is entitled to a final hearing each year if the committed person proves by a preponderance of the evidence that competent evidence exists which would lead a reasonable person to believe a final hearing should be held to determine if the person should be discharged pursuant to Code Section 229A.8(5)(e)(1) or placed in transitional release pursuant to Code Section 229A.8(5)(e)(2).

HOUSE FILE 712 - **Consumer Fraud — Private Right of Action**

BY COMMITTEE ON JUDICIARY. This Act creates a private right of action for certain consumer fraud violations. A consumer who suffers an ascertainable loss of money or property as the result of a prohibited practice or act may bring an action at law to recover actual damages and may seek court protection from further violations including temporary and permanent injunctive relief.

If the court finds that a person has violated the Act and the consumer is awarded actual damages, the court shall award to the consumer the costs of the action and to the consumer's reasonable attorney fees, determined by a consideration of certain factors. In order to recover damages, a claim under the Act shall be proved by a preponderance of the evidence. If the fact finder determines by a preponderance of clear, convincing, and satisfactory evidence that a prohibited practice or act occurred in violation of the Act that constitutes willful and wanton disregard for the rights or safety of another, statutory damages may be awarded up to three times the amount of actual damages to a prevailing consumer in addition to an award of actual damages. Actions brought pursuant to the Act must be brought within two years of the occurrence of the last event giving rise to the cause of action or within two years of the discovery of the violation, whichever is later.

The Act provides that a person shall not engage in a practice or act the person knows or reasonably should know is an unfair practice, deception, fraud, false pretense, or false promise, or a misrepresentation,

concealment, suppression, or omission of a material fact, with the intent that others rely upon the unfair practice, deception, fraud, false pretense, false promise, misrepresentation, concealment, suppression, or omission in connection with the advertisement, sale, or lease of consumer merchandise, or the solicitation of contributions for charitable purposes. "Material fact" does not include repairs of damage to, adjustments on, or replacements of parts with new parts of otherwise new merchandise if the repairs, adjustments, or replacements are made to achieve compliance with factory specifications and are made before sale of the merchandise at retail and the actual cost of any labor and parts charged to or performed by a retailer for any such repairs, adjustments, and parts that do not exceed \$300 or 10 percent of the actual cost to a retailer.

The Act provides certain specific exclusions including but not limited to merchandise offered or provided by certain businesses, insurance companies, attorneys licensed to practice law in this state, and financial institutions.

The Act authorizes the Attorney General to oversee private consumer fraud actions, including small claims court actions, by requiring a party filing a petition, counterclaim, cross-petition, or pleading in intervention alleging a violation under the Act to provide a copy of the relevant documents, including judgments and notices of appeal, to the Attorney General. In addition, the Attorney General may intervene as a party in a private consumer fraud action at any time, or may be heard in such action at any time or may be heard at any time. Failure to provide all mailings of petitions, orders, judgments, and notices of appeals to the Attorney General shall not be grounds for dismissal but shall be grounds for a subsequent action by the Attorney General to vacate or modify the judgment.

A class action lawsuit alleging a violation of the Act shall not be filed with a court unless it has been approved by the Attorney General. The Attorney General shall approve the filing of a class action lawsuit alleging a violation of the Act unless the Attorney General determines that the lawsuit is frivolous.

The Act applies to causes of actions accruing on or after July 1, 2009.

CRIMINAL LAW, PROCEDURE, AND CORRECTIONS

- [SENATE FILE 27](#) - Human Trafficking and Protection of Minors
- [SENATE FILE 340](#) - Sex Offender Registry
- [SENATE FILE 380](#) - Public Safety — Gambling and Gaming Restrictions, Interception of Communications, and Peace Officer Activities
- [HOUSE FILE 697](#) - Interference With Judicial Acts
- [HOUSE FILE 762](#) - Reserve Peace Officers

RELATED LEGISLATION

- [SENATE FILE 108](#) - Public Safety Statewide Interoperable Communications System Board Membership
SEE STATE GOVERNMENT. This Act revises the membership of the Public Safety Communications Interoperability Board under the Department of Public Safety by adding four legislators as ex officio, nonvoting members and requiring the two fire fighter voting member slots to be filled by a volunteer fire fighter and a paid fire fighter.
- [SENATE FILE 199](#) - Uniform Athlete Agents Act
SEE CIVIL LAW, PROCEDURE, AND COURT ADMINISTRATION. This Act provides for uniform regulation of athlete agents seeking to represent student athletes who are or may be eligible to participate in intercollegiate sports. An athlete agent who violates the prohibited activities section of the Act is guilty of a serious misdemeanor.
- [SENATE FILE 209](#) - Public Safety and Law Enforcement Practices and Procedures
SEE STATE GOVERNMENT. This Act provides that upon request of a law enforcement agency, the court may order that a portion of a controlled substance subject to a forfeiture and destruction become the possession of the requesting law enforcement agency for the sole purpose of canine-controlled substance detection training.
- [SENATE FILE 355](#) - Regulation of Lenders and Lending Practices
SEE BUSINESS, BANKING, AND INSURANCE. This Act establishes licensure requirements relating to the origination of mortgage loans, in conformity with federal requirements. A person who acts as a mortgage loan originator without obtaining a license under new Code Chapter 535D commits a class "D" felony.
- [SENATE FILE 356](#) - Motor Vehicle Regulations — Licensing of Foreign Nationals — False Convictions
SEE TRANSPORTATION. This Act establishes a procedure to remove a scheduled violation conviction under Code Chapter 321 from a person's record if the conviction was obtained by fraudulent use of a person's name.
- [SENATE FILE 419](#) - Transportation — Administration Regulation, Enforcement, and Funding
SEE TRANSPORTATION. Division II of this Act lifts the restriction against the use of a written appearance bond by a person charged with a simple misdemeanor offense of operating a motor vehicle while the person's driver's license is suspended or revoked. Division IV of the Act also contains provisions concerning requirements for the processing of a uniform citation and complaint that is created electronically.
- [SENATE FILE 430](#) - Statutory Boards, Commissions, Councils, and Committees — Legislative Appointments
SEE STATE GOVERNMENT. This Act relates to appointments to statutory boards, commissions, and councils that involve the General Assembly and includes a change in the legislative appointments to the Sex Offender Research Council.

[SENATE FILE 438](#)

- Protection of Dependent Adults
SEE HUMAN SERVICES. This Act relates to actions injurious to dependent adults and provides penalties. Code Section 235B.20, relating to a caretaker of a dependent adult who commits the crime of dependent adult abuse, is amended to provide that a caretaker who otherwise intentionally or knowingly commits dependent adult abuse upon a dependent adult is guilty of a serious misdemeanor, which is punishable by confinement for no more than one year and a fine of at least \$315 but not more than \$1,875.

[SENATE FILE 449](#)

- Substantive Code Corrections
SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities in provisions relating to workers' compensation for inmates; informational notices for victims of abuse; product identification number tampering; traffic speed and safety regulations; motor vehicle-related arrests; unlawful disposal of pollutants and hazardous substances; confidentiality of criminal history records; feticide; fraudulent use of a universal product code label; foreclosure consultants and reconveyances; telephone dissemination of obscene material to minors; regulation of alcohol and alcoholic beverages and controlled substances; juvenile justice; and domestic violence.

[SENATE FILE 475](#)

- Appropriations — Justice System
SEE APPROPRIATIONS. This Act makes appropriations for the justice system and includes related provisions. The State Public Defender is authorized to enter into a contract with an attorney designating that the attorney provide legal services to eligible indigent persons as the State Public Defender's designee. Code Section 13B.4 is amended to specify that the State Public Defender may deny a claim for indigent defense fees and expenses if the attorney was appointed contrary to the provisions of Code Section 815.10 (appointment of counsel by court). The State Public Defender may deny a claim for indigent defense fees and expenses for an appeal if the attorney previously represented the indigent person pursuant to a representation agreement, and the attorney fails to provide the State Public Defender a copy of the agreement and any information on moneys earned up until the time of the appointment. The Department of Justice is authorized to establish rates at which the department awards compensation for medical expenses from the Victim Compensation Fund.

[HOUSE FILE 414](#)

- Appropriation Reductions, Transfers, and Supplementals
SEE APPROPRIATIONS. This Act primarily relates to public funding and regulatory matters for FY 2008-2009 by revising and supplementing existing appropriations. It includes supplemental appropriations for the departments of Corrections and Public Safety to restore a uniform reduction in appropriations made by the Governor under Executive Order Number 10 issued on December 22, 2008.

[HOUSE FILE 475](#)

- Elections and Voter Registration
SEE ELECTIONS, ETHICS, AND CAMPAIGN FINANCE. This Act makes various changes to the Code relating to the conduct of elections, voting, and voter registration. The Act requires the chairperson of the county central committee, within 14 days after the date of the precinct caucus, to deliver to the county commissioner all completed voter registration forms received at the caucus. Current law provides that it is election misconduct in the third degree, a serious misdemeanor, if a party committee member neglects to perform a statutory duty relating to a precinct caucus.

- [HOUSE FILE 618](#) - Enforcement of Wage Payment Collection and Child Labor Laws
SEE LABOR AND EMPLOYMENT. This Act amends several provisions relating to the duties of the Labor Commissioner pursuant to wage payment collection penalties and child labor law enforcement and penalties, including increasing the penalty for a child labor violation from a simple misdemeanor to a serious misdemeanor.
- [HOUSE FILE 676](#) - Civil Commitment of Sexually Violent Predators
SEE CIVIL LAW, PROCEDURE, AND COURT ADMINISTRATION. This Act modifies provisions relating to the eligibility for a final hearing in a civil commitment proceeding for a sexually violent predator.
- [HOUSE FILE 706](#) - Mortgage Foreclosure and Installment Contract Protections for National Guard and Armed Forces Members
SEE PUBLIC DEFENSE AND VETERANS. This Act relates to protection afforded members of the National Guard and members of the reserve or regular component of the Armed Forces of the United States in active duty service, and their dependents, against foreclosure of a mortgage or enforcement of a real estate obligation payable in installments pursuant to the contract. The penalty applicable to persons who knowingly repossess or foreclose on property owned by or being purchased by a member of the National Guard or their dependents is increased from the current penalty of a simple misdemeanor to a serious misdemeanor.
- [HOUSE FILE 820](#) - Federal Block Grant Appropriations and Other Federal Funding
SEE APPROPRIATIONS. This Act appropriates federal block grant, federal American Recovery and Reinvestment Act of 2009 (ARRA), and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, and for the state fiscal year beginning July 1, 2009, and ending June 30, 2010. The Act includes funding for various programs involving criminals and corrections, including the Stop Violence Against Women Grant Program, the Residential Substance Abuse Treatment for State Prisoners Formula Grant Program, and the Edward Byrne Justice Assistance Grants Program. ARRA funding is appropriated for correctional facilities and administration of the Department of Corrections and for the Department of Public Safety.

CRIMINAL LAW, PROCEDURE, AND CORRECTIONS

[SENATE FILE 27](#) - Human Trafficking and Protection of Minors

BY COMMITTEE ON JUDICIARY. This Act relates to the crime of human trafficking.

The Act amends the definition of "commercial sexual activity," which is an element of the crime of human trafficking, to include any sexually explicit performance for which anything of value is given, promised to, or received by any person including but not limited to prostitution, participation in the production of pornography, and performance in strip clubs.

Previous law provided that a person who knowingly engages in human trafficking by soliciting services or benefiting from the services of a victim is guilty of a class "D" felony, except that if the victim is under the age of 18, the person is guilty of a class "C" felony. "Services" means an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor, including commercial sexual activity and sexually explicit performances. A class "C" felony is punishable by confinement for no more than 10 years and a fine of at least \$1,000 but not more than \$10,000 and a class "D" felony is punishable by confinement for no more than five years and a fine of at least \$750 but not more than \$7,500.

The Act also amends provisions in victims rights laws to extend protections to child victims of human trafficking relating to child victim services and the appointment of a guardian ad litem for a prosecuting witness who is a child.

[SENATE FILE 340](#) - Sex Offender Registry

BY COMMITTEE ON JUDICIARY. This Act makes changes to Sex Offender Registry provisions and to duties and requirements related to persons who commit sex offenses. The Act is organized in divisions.

Division I — Sex Offender Registry

Division I repeals Code Sections 692A.1 through 692A.16, including provisions relating to sex offender residency restrictions and assessments of risk, and replaces these sections with new Code Sections 692A.101 through 692A.130.

DEFINITIONS. The division creates new definitions for aggravated offenses against a minor, appearance, business day, change, employee, employment, foreign court, habitually lives, incarceration, indictable offense, Internet identifier, jurisdiction, loiter, military offense, minor, principal residence, professional licensing information, public library, relevant information, sex act, sex offender, sex offense, sex offense against a minor, SORNA (the federal Sex Offender Registration and Notification Act), student, and vehicle. The division modifies the definitions for aggravated offense, conviction, and residence, and strikes the definition for criminal offense against a minor and other relevant offense. The division retains the definitions for child care facility, criminal or juvenile justice agency, department, sexually violent offense, and sexually violent predator.

LASCIVIOUS ACTS WITH A CHILD. The division requires an offender convicted of lascivious acts with a child in violation of Code Section 709.8, subsection 1 or 2, involving sexual touching by the offender or the child, to register for life. Previous law required an offender convicted of lascivious acts with a child in violation of Code Section 709.8, subsection 1, involving only sexual touching by the offender, to register for life.

TIERS. The division classifies sex offenses requiring registration into tiers. The tiers are classified in ascending order of severity with the least serious offenses classified as tier I offenses, the next serious sex offenses classified as tier II offenses, the most serious offenses classified as tier III offenses. Under previous law, sex offenses were classified as either an aggravated offense, criminal offense against a minor, sexually violent offense, or other relevant offense.

REGISTRATION REQUIREMENT. The division provides that an offender convicted of a tier I, tier II, or tier III sex offense shall register as a sex offender in this state. An offender required to register in another jurisdiction

shall also register as a sex offender in this state if the offender resides, is employed, or attends school in this state.

RELEVANT INFORMATION TO BE PROVIDED. The division requires the following information to be provided at the time of registration: criminal history, date of birth, passport and immigration documents, government-issued driver's license or identification card, DNA sample, educational institutions attended as a student, employment information, fingerprints, Internet identifiers, nicknames, aliases, tribal names, palm prints, photographs, physical description, professional licensing information, residence, social security number, telephone numbers, temporary lodging information including the dates when residing in temporary lodging, statutory citation and text of offense committed that requires registration, vehicle information, and the name and date of birth of each person residing in the residence with the offender. The division does not place the burden on the offender to provide criminal history information and the statutory citation and text of the offense committed.

JUVENILE REGISTRATION. Under the division, a juvenile adjudicated for a sex offense that requires registration shall register as a sex offender unless the juvenile court waives the requirement to register. If a juvenile is initially required to register, the juvenile court may modify or suspend the registration requirements if good cause is shown. However, a juvenile 14 years of age or older at the time the offense was committed shall be required to register if the adjudication was for an offense committed by force or the threat of serious violence, by rendering the victim unconscious, or by involuntary drugging of the victim.

REGISTRATION PROCESS. The division requires an offender to appear in person to register with the county sheriff of each county of residence, employment, or attendance as a student, within five business days of being required to register, or within five business days of a change in residence, employment, or attendance as a student. The offender is required to notify the sheriff in the county of the offender's principal place of residence, within five business days about the change to the relevant information. The division also requires the offender, within five business days of establishing a residence, employment, or attendance as a student outside the state, to appear in person, to notify the sheriff of the county where the offender's principal residence is located, that the offender has established a residence, employment, or attendance as a student outside the state; and to register with the out-of-state registering agency if the laws of the other state require registration.

The division also requires an offender, within five business days, to appear in person to notify the sheriff of the county of principal residence, of any location in which the offender is staying when away from the principal residence of the offender for more than five days, by identifying the location and the period of time the offender is staying at such location.

DURATION OF REGISTRATION. The division establishes the duration of registration at 10 years except as otherwise provided. If an offender has been sentenced to a special sentence for a sexually related offense under Code Section 903B.1 or 903B.2, the duration of registration shall equal the term of the special sentence. If an offender violates any registry requirements, the offender shall register for an additional 10 years. An offender shall register for life if an offender commits an aggravated offense, commits another offense that requires registration, or meets the definition of a sexually violent predator.

TOLLING OF REGISTRATION. Under the division, the running of the required period of registration is tolled if an offender is incarcerated or if an offender is not in compliance with the division.

VERIFICATION OF REGISTRATION. The division requires an offender to appear in person in the county of principal residence, after the offender was initially required to register, to verify relevant information. A tier I offender shall verify relevant information once a year while on the registry. A tier II offender shall verify relevant information every six months while on the registry. A tier III offender shall register every three months while on the registry. Upon good cause shown, a sheriff may require an offender to verify relevant information more frequently.

REGISTRATION FEES. The division assesses an annual registration fee in the amount of \$25 to be paid to the sheriff of the county of principal residence. For a conviction requiring registration on or after July 1, 2009, the offender shall be assessed a civil penalty in the amount of \$250. Previous law assessed a \$200 civil penalty for convictions.

DEPARTMENT OF PUBLIC SAFETY, DEPARTMENT OF CORRECTIONS, AND COUNTY SHERIFF DUTIES. The Act requires the Department of Public Safety, Department of Corrections, and county sheriffs to administer and facilitate the registration process. Immunity for good faith compliance with the Act is provided.

PENALTIES. An offender who violates Code Sections 692A.104 (registration process), 692A.105 (temporary lodging), 692A.108 (verification of relevant information), 692A.112 (knowingly providing false information), 692A.113 (exclusion zones and work restrictions), 692A.114 (residency restrictions), and 692A.115 (employment where dependent adults reside), commits an aggravated misdemeanor for a first offense and a class "D" felony for a second or subsequent offense. However, an offender commits a class "C" felony if the offender has been convicted of an aggravated offense against a minor, a sex offense against a minor, or a sexually violent offense and violates any of the specified requirements.

KNOWINGLY PROVIDING FALSE INFORMATION. The division prohibits an offender from providing false information upon registration, change of relevant information, or during an appearance to verify relevant information.

EXCLUSION ZONES. The division defines "sex offense against a minor" to mean an offense for which a conviction has been entered for a sex offense classified as a tier I, tier II, or tier III offense if such offense was committed against a minor, or otherwise involves a minor. The division prohibits an offender who has been convicted of a sex offense against a minor from the following: (1) From being present upon the real property of an elementary or secondary school without the written permission of the school administrator or the school administrator's designee, unless the offender is enrolled as a student at the school; (2) from being present on or in any vehicle owned or leased by an elementary or secondary school without the written permission of the school administrator or school administrator's designee, unless the offender is enrolled as a student at the school; (3) from being present upon the real property of a child care facility without written permission of the child care facility administrator; and (4) from being present upon the real property of a public library without written permission of the library administrator.

An offender who is the parent or legal guardian of a minor shall not be in violation of the exclusion zone restriction during the period of time reasonably necessary to transport the offender's own minor child or ward to or from a school, child care facility, or public library. The division also permits an offender who is legally entitled to vote to be present upon the real property of a school, child care facility, or public library, for a period of time reasonably necessary to exercise the right to vote.

LOITERING. The division defines "loitering" to mean remaining in a place or circulating around a place under circumstances that would warrant a reasonable person to believe that the purpose or effect of the behavior is to enable an offender to become familiar with a location where a potential victim may be found, or to satisfy an unlawful sexual desire, or to locate, lure, or harass a potential victim. The division prohibits an offender who has been convicted of a sex offense against a minor from the following: (1) From loitering within 300 feet of the real property boundary of an elementary or secondary school (unless enrolled as a student at the school), a child care facility, or a public library; and (2) from loitering on or within 300 feet of the premises of any place intended primarily for the use of minors including but not limited to a playground available to the public, a children's play area available to the public, recreational or sport-related activity when in use by a minor, a swimming or wading pool available to the public when in use by a minor, or a beach available to the public and when in use by a minor.

An offender who resides in a dwelling located within 300 feet of the real property boundary of a school, child care facility, public library, or place intended primarily for the use of minors does not commit loitering for having an established residence within the exclusion zone. An offender also does not commit loitering when

reasonably necessary to transport the offender's own child or ward to or from a specified place or when lawfully voting in a public election.

The division also prohibits an offender required to register from loitering on the premises or grounds of a facility or at an event where dependent adults are receiving services or programming.

PROHIBITED EMPLOYMENT. The division prohibits an offender convicted of a sex offense against a minor from operating, managing, being employed by, or acting as a contractor or volunteer at or on the following: (1) At any municipal, county, or state fair, or carnival when minors are present on the premises; (2) on the premises of any children's arcade, an amusement center having coin or token-operated devices for entertainment, or facilities providing programs or services intended primarily for minors, when minors are present; (3) at an elementary or secondary school, child care facility, or public library; and (4) at any place intended primarily for use by minors including but not limited to a playground, children's play area, recreational or sport-related activity area, a swimming or wading pool, or a beach.

The division prohibits an offender required to register from being employed at a facility or at events where dependent adults are receiving services or programming.

RESIDENCY RESTRICTIONS. The division defines an "aggravated offense against a minor" to mean a conviction for sexual abuse in the 1st degree, sexual abuse in the 2nd degree, or sexual abuse in the 3rd degree except for a conviction for statutory rape. The division prohibits an offender convicted of an aggravated offense against a minor from residing within 2,000-feet of the real property comprising a school or child care facility. The residency restriction applies only to offenders required to be on the registry. The division did not change the exceptions to the previous 2,000-foot rule except that under the new law a ward in a guardianship must be granted an exception to the 2,000-foot rule by a district judge or associate probate judge and an offender who is a patient at a health care facility or in a hospice program must also be granted an exemption from the residency restriction if a district judge or associate probate judge grant such an exemption.

PROBATION AND PAROLE RESTRICTIONS. Probation and parole officers may impose more restrictive exclusion zone requirements, employment prohibitions, and residency restrictions than required under the Act.

AVAILABILITY OF RECORDS. The division requires the Department of Public Safety to maintain a Sex Offender Internet Site, and to post the following relevant information relating to a sex offender on the Internet site: date of birth, name including nicknames or aliases, photographs, physical description, residence, statutory citation and text of offense committed that requires registration, and specific references indicating whether exclusion zones or residency restrictions apply to the offender. Any other relevant information about a sex offender is prohibited from being posted on the Internet site. If a person can identify an offender using the offender's date of birth, social security number, address, Internet identifier, or telephone number, the division provides that a person may obtain the following additional relevant information by writing, telephoning, or appearing in person at a county sheriff's office: educational institutions attended; employment information; temporary lodging information; and vehicle information.

ELECTRONIC MONITORING. The division provides that the decision whether to electronically monitor an offender shall be based upon validated risk assessments approved by the Department of Corrections. The division also provides that if the offender is a juvenile, the determination to use electronic monitoring shall be based upon a risk assessment performed by a juvenile court officer. Previous law required an offender convicted of an offense involving a minor to be electronically monitored.

APPLICABILITY AND RETROACTIVITY. The registration requirements of the Act apply to sex offenders convicted on or after July 1, 2009. The registration requirements also apply to an offender convicted under prior law prior to July 1, 2009, under the following circumstances: any offender required to be on the registry as of June 30, 2009; any offender who is incarcerated on or after July 1, 2009, for a conviction of a sex offense committed prior to July 1, 2009; and any sex offender serving a special sentence prior to July 1, 2009. The division provides that an offender on the registry as of June 30, 2009, and who is required to be on the registry on or after July 1, 2009, shall be credited for any time on the registry prior to July 1, 2009.

SEXUALLY MOTIVATED OFFENSE DETERMINATION. The division requires that if a judge or jury makes a determination, beyond a reasonable doubt, that a certain offense is sexually motivated, the offender shall be required to register. If the offense is for a conviction obtained in another jurisdiction, the offender shall be required to register if the Department of Public Safety makes a determination the offense was sexually motivated.

LIMITATIONS ON POLITICAL SUBDIVISIONS. The division voids any motion, resolution, or ordinance adopted by a local government regulating the residency location of a sex offender or the exclusion of a sex offender from certain real property. The division also voids any enforcement action taken by a local government regulating such restrictions.

MODIFICATION. The division permits an offender on probation or parole to file an application in district court seeking to modify the registration requirements. The court may modify the registration requirements if all of the following apply: the date of commencement of the requirement to register occurred at least two years prior to the filing of the application for a tier I offender, or five years for a tier II or tier III offender; the offender has successfully completed all sex offender treatment programs that have been required; a risk assessment has been completed and the offender has been classified as a low risk to reoffend; the offender is not incarcerated at the time the application is filed; and the director or the director's designee of the district department supervising the offender stipulates to the modification. The court may, but is not required to, conduct a hearing on the application to hear any evidence deemed appropriate by the court prior to making a determination as to modification.

The division provides that an offender required to register as a juvenile who is no longer under supervision may apply for modification of the registration requirements if the Department of Corrections agrees to perform a risk assessment on the offender. All other provisions relating to a modification shall apply to such an application for a modification except that the offender is not required to obtain a stipulation from the director or the director's designee of the district department of correctional services.

Division II — Miscellaneous Sex Offender Provisions

JUVENILE JURISDICTION. The division provides that a dispositional order entered prior to a child attaining the age of 17 for a child required to register as a sex offender may be extended one year and six months beyond the date the child becomes 18 years of age.

Under the division, if the juvenile court requires a juvenile to register, the juvenile court shall determine whether the child shall remain on the registry prior to termination of the dispositional order.

SPECIAL SENTENCES FOR SEXUALLY RELATED OFFENSES. The division requires the Board of Parole to determine whether a person required to serve a special sentence for a sexually related offense should be released on parole or placed on work release.

NOTIFICATION BY JUDICIAL DISTRICT DEPARTMENT OF CORRECTIONAL SERVICES. The division requires a district department, which is supervising an offender who is required to register and who is being electronically monitored, to notify a registered victim of the beginning date of the use of electronic monitoring and the date of any modification of the use of electronic monitoring and the nature of the change.

Division III — Cohabitation With a Sex Offender

The division modifies the definition of "child abuse" to include a person who knowingly allows an offender custody, control, or unsupervised access to a child or minor, after knowing the offender is required to register. Under previous law, a person committed child abuse if the person cohabitated with an offender after knowing the offender is required to register. The modification does not apply to an offender who has custody of the offender's own children or to a person who is married and living with a person required to register.

The division also modifies the definition of "child endangerment" to include a person who knowingly allows a person custody, control of, or unsupervised access to a child or a minor after knowing the person is required to

register. Under previous law, a person committed child endangerment if the person cohabitated with an offender after knowing the offender is required to register. The modification does not apply to an offender who has custody of the offender's own children or to a person who is married and living with a person required to register.

SENATE FILE 380 - Public Safety — Gambling and Gaming Restrictions, Interception of Communications, and Peace Officer Activities

BY COMMITTEE ON JUDICIARY. This Act relates to practices and procedures of the Department of Public Safety. The Act is organized into divisions.

Division I — Legal Age Violations at Gaming Facilities

Division I prohibits a person under 21 years of age from entering or attempting to enter the gaming floor or wagering area of a facility licensed under Code Chapter 99D to operate gambling games. A person under 21 years of age does not violate the prohibition if the person is employed at the gambling facility, is an employee or agent acting within the person's scope of employment by the State Racing and Gaming Commission, Division of Criminal Investigation of the Department of Public Safety, a distributor or a manufacturer; or is present in a racetrack enclosure and does not enter or attempt to enter the gaming floor or wagering area of the facility.

A person who violates Division I commits a simple misdemeanor punishable by a scheduled fine of \$500.

Division II — Interception of Communications

Division II makes changes to Code Chapter 808B (Interception of Communications).

The division excludes electronic funds transfer information from the definition of "electronic communication." The division specifies that an "oral communication" does not include an "electronic communication." The division modifies the definitions for "pen register," "trap and trace device," and "wire communication."

The division expands the list of criminal investigations for which the interception of communications may be authorized to include ongoing criminal conduct (Code Chapter 706A), a forcible felony (Code Section 702.11), or a felony fugitive warrant for persons reasonably believed to be in this state.

Prior law allowed the interception of communications in criminal investigations for a felony offense involving dealing in a controlled substance or a felony offense involving money laundering.

The division provides that, upon application of a special state agent of the Department of Public Safety, a judge shall issue a search warrant which authorizes the placement, tracking, or monitoring of a global positioning device if the application contains sufficient grounds for granting the application, and upon a finding of probable cause for believing the grounds exist.

The division provides that a judge may issue a subpoena or other court order in order to obtain information and supporting documentation regarding contemporaneous or prospective wire or electronic communications based upon a finding that a prosecuting attorney is engaged in a criminal investigation of an offense listed in Code Section 808B.3.

The division also provides that a judge may authorize the capture of a wire or oral communication by a pen register or trap and trace device if a judge finds that there is probable cause to believe that a wire or oral communication relevant to a valid search warrant will occur at any point while the warrant is in effect.

An order authorizing the interception of a communication shall refer to the method for determining the location of the electronic communication intercepted in addition to other requirements specified in Code Section 808B.11(3).

The division permits a special agent or an assistant attorney general who determines that an emergency situation exists which requires the installation and use of a pen register or a trap and trace device before an

order authorizing such installation and use can be obtained with due diligence, to install and use a pen register or trap and trace device if an order approving the installation or use is issued within 48 hours of the installation occurring.

The division limits such emergency situations to those involving death or serious bodily injury, conspiratorial activities characteristic of organized crime, immediate threats to national security, or an ongoing attack on a computer that constitutes a crime punishable by a term of imprisonment greater than one year.

Division III — Peace Officer Serving as Federal Actor

Division III authorizes a peace officer of the Department of Public Safety to act in concert with, or under the direction of, a federal officer or agent of the federal government.

HOUSE FILE 697 - **Interference With Judicial Acts**

BY COMMITTEE ON JUDICIARY. This Act creates the criminal offense of interference with judicial acts.

Under the Act, a person who harasses a judicial officer, court employee, or a family member of a judicial officer or court employee in violation of Code Section 708.7, with the intent to interfere with or improperly influence, or in retaliation for, the official acts of a judicial officer or court employee, commits an aggravated misdemeanor.

HOUSE FILE 762 - **Reserve Peace Officers**

BY COMMITTEE ON PUBLIC SAFETY. This Act provides that a person who has been appointed to serve as a reserve peace officer who has met the 150-hour training requirement obtained at a community college or other facility selected by the individual and approved by the appropriate law enforcement agency prior to July 1, 2007, shall be exempted from completing the minimum training course requirements as required by Code Section 80D.3 at the discretion of the appointing authority and shall continue to hold certification with the appointing authority.

ECONOMIC DEVELOPMENT

- [SENATE FILE 114](#) - Historic Site Preservation Grants — Funding Restrictions
- [SENATE FILE 142](#) - Economic Development Assistance — Funds, Tax Credits, and Benchmarks
- [SENATE FILE 207](#) - Iowa Finance Authority — Miscellaneous Changes
- [SENATE FILE 289](#) - Jumpstart Housing Assistance Program — Loan Forgiveness
- [SENATE FILE 304](#) - Targeted Jobs Withholding Tax Credit Program
- [SENATE FILE 336](#) - Community Attraction and Tourism Program — Waivers
- [SENATE FILE 344](#) - Economic Development Financial Assistance Programs — Miscellaneous Changes
- [SENATE FILE 376](#) - Iowa Jobs Program, Bonding, Miscellaneous Appropriations and Reductions, and Other Miscellaneous Changes
- [SENATE FILE 480](#) - Film, Television, and Video Project Promotion Program — Fees and Qualified Expenditures
- [HOUSE FILE 817](#) - Economic Growth and Expansion and Research Activities Tax Credit Funding

RELATED LEGISLATION

- [SENATE FILE 44](#) - 2008 Disaster Relief Funding — Local Option Sales and Services Tax
SEE TAXATION. This Act relates to the imposition of a local option sales and services tax after a disaster. The Act takes effect February 2, 2009.
- [SENATE FILE 339](#) - Water and Wastewater Treatment
SEE ENVIRONMENTAL PROTECTION. This Act relates to wastewater treatment.
- [SENATE FILE 457](#) - Disaster Recovery and Remediation — Expenditures — Financing
SEE LOCAL GOVERNMENT. Division III of this Act authorizes cities and counties to designate a disaster revitalization area if the area is within a county or portion of a county declared a disaster area. An ordinance establishing a disaster revitalization area and tax exemption is required to expire or be repealed no later than December 31, 2016. Division III of the Act takes effect May 12, 2009. Division IV of the Act establishes a nonrefundable income tax credit for a qualifying investment in a disaster recovery housing project. Division IV takes effect May 12, 2009, and applies to disaster recovery housing project costs incurred on or after May 12, 2009, and before July 1, 2010.
- [SENATE FILE 467](#) - Appropriations — Agriculture and Natural Resources
SEE APPROPRIATIONS. This Act relates to agriculture and natural resources by making appropriations for FY 2009-2010 to support related entities, including the Department of Economic Development. The Act appropriates moneys to provide financial and technical assistance to support the Brownfield Redevelopment Program.
- [SENATE FILE 469](#) - Appropriations — Economic Development
SEE APPROPRIATIONS. This Act makes appropriations and transfers from the General Fund of the State and other funds to the Department of Cultural Affairs, the Department of Economic Development, the University of Iowa, the University of Northern Iowa, Iowa State University, the Department of Workforce Development, and the Public Employment Relations Board for FY 2009-2010.
- [SENATE FILE 478](#) - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act makes, reduces, and transfers appropriations; provides salaries and compensation of state employees; and covers other properly

related matters. Division VIII modifies incentives under the Enterprise Zone Program and amends the Endow Iowa Program. Division XII relates to the Jumpstart Housing Assistance Program. Division XIV creates a Disaster Assistance Loan and Credit Guarantee Program and Fund, requires the establishment of a job training interim study committee, and relates to the Generation Iowa Commission. Division XXIV creates reporting requirements for the Department of Revenue regarding research activities tax credits.

[SENATE FILE 481](#)

- Historic Preservation and Cultural and Entertainment District Tax Credits
SEE TAXATION. This Act makes changes relating to historic preservation and cultural and entertainment district tax credits.

[SENATE FILE 482](#)

- Volunteer Service Programs
SEE LABOR AND EMPLOYMENT. This Act relates to youth employment programs administered by the Commission on Volunteer Service by establishing the Iowa Summer Youth Corps and Green Corps Programs. Provisions establishing the programs take effect May 26, 2009.

[SENATE FILE 483](#)

- Tax Credit Limits — Net Operating Loss Carryback Elimination
SEE TAXATION. This Act relates to tax credits for economic development and agricultural assets transfers and to net operating losses of corporations.

[HOUSE FILE 281](#)

- Iowa Water Pollution Control Works and Drinking Water Facilities Financing Program
SEE ENVIRONMENTAL PROTECTION. This Act relates to the administration of the Iowa Water Pollution Control Works and Drinking Water Facilities Financing Program by the Iowa Finance Authority and the Department of Natural Resources.

[HOUSE FILE 414](#)

- Appropriation Reductions, Transfers, and Supplementals
SEE APPROPRIATIONS. This Act primarily relates to public funding and regulatory matters for FY 2008-2009 by revising and supplementing existing appropriations. It includes revisions and transfers of appropriations and funding for that fiscal year in order to fund the Small Business Disaster Recovery Assistance Program administered by the Department of Economic Development and the Jumpstart Housing Assistance Program administered by the Iowa Finance Authority. Both programs were initiated by the Governor to address the flooding and storm disasters which occurred in summer 2008.

[HOUSE FILE 468](#)

- Unsewered Community Revolving Loan Program
SEE ENVIRONMENTAL PROTECTION. This Act creates an Unsewered Community Revolving Loan Program and Fund to be administered by Iowa Finance Authority.

[HOUSE FILE 820](#)

- Federal Block Grant Appropriations and Other Federal Funding
SEE APPROPRIATIONS. This Act appropriates federal block grant, federal American Recovery and Reinvestment Act of 2009, and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, and for the state fiscal year beginning July 1, 2009, and ending June 30, 2010. The Act includes funding for economic development programs, including the federal Community Development Block Grant (CDBG) and CDBG funding designated for disaster relief.

[HOUSE FILE 822](#)

- Appropriations — Infrastructure and Capital Projects
SEE APPROPRIATIONS. This Act makes appropriations to state departments and agencies from the Rebuild Iowa Infrastructure Fund, the Technology Reinvestment Fund, and other funds; creates and funds the Iowa Flood Center; provides for related matters; and provides effective and retroactive applicability date provisions. The Act includes provisions creating an application review process for River Enhancement Community Attraction and Tourism Grants through the Vision Iowa Board, makes

changes to the FY 2009-2010 appropriation from the Rebuild Iowa Infrastructure Fund to the Grow Iowa Values Fund, and makes changes to certain allocations relating to the Grow Iowa Values Fund.

ECONOMIC DEVELOPMENT

[SENATE FILE 114](#) - **Historic Site Preservation Grants — Funding Restrictions**

BY COMMITTEE ON ECONOMIC GROWTH. This Act amends 2008 Iowa Acts to allow the Department of Cultural Affairs to award more than two historic preservation grants in the same county during FY 2008-2009.

The Act limits the total amount of grants made in a county to \$200,000 during the same round of grant reviews, rather than limiting the total number of grants made in a county as provided by previous law.

The Act takes effect April 24, 2009.

[SENATE FILE 142](#) - **Economic Development Assistance — Funds, Tax Credits, and Benchmarks**, [Fiscal Analysis](#)

BY COMMITTEE ON ECONOMIC GROWTH. This Act makes a number of changes relating to economic development.

Division I of the Act creates an Innovation and Commercialization Development Fund in the State Treasury under the control of the Department of Economic Development. The fund is to be used for purposes of facilitating agreements and enhancing commercialization in certain targeted industries, for increasing the availability of skilled workers within those targeted industries, and certain other purposes specified in the Act. The targeted industries are advanced manufacturing, biosciences, and information technology.

Previously, the department was appropriated \$3 million from the Grow Iowa Values Fund for purposes of providing commercialization services. Division I authorizes the department to transfer that \$3 million to the Innovation and Commercialization Development Fund.

Division II of the Act makes the Department of Revenue responsible for issuing certain corporate tax credits for sales and use taxes paid by third-party developers. Previously, these tax credits were issued by the Department of Economic Development.

Division III of the Act provides for the nonreversion to the General Fund of the State of certain moneys appropriated to the Department of Economic Development for purposes of general administration and administration of the Targeted Small Business Program for the fiscal year beginning July 1, 2008. These moneys are currently being used to fund the Jumpstart Disaster Assistance Program, and providing for the nonreversion of the moneys allows the department to continue funding the program during the fiscal year beginning July 1, 2009. These nonreversion provisions take effect April 24, 2009.

Division IV of the Act makes changes in conformance with 2008 Iowa Acts, chapter 1122, which struck a requirement that the Economic Development Board prepare a three-year comprehensive, or state, strategic plan. The Act strikes and amends a number of Code provisions referencing the stricken plan.

[SENATE FILE 207](#) - **Iowa Finance Authority — Miscellaneous Changes**

BY COMMITTEE ON ECONOMIC GROWTH. This Act relates to the Iowa Finance Authority.

The Act provides that, for purposes of Code Chapter 16, the term "project" includes certain projects for which tax-exempt financing is authorized by the Internal Revenue Code, together with any taxable financing necessary or desirable in connection with such project.

The Act provides that neither members of the authority, nor persons acting on behalf of the authority while acting within the scope of their agency or employment, are subject to personal liability resulting from carrying out the powers and duties in Code Chapter 16.

The Act allows the executive director of the authority to establish administrative divisions within the authority, provided that any creation or modification of authority divisions be established only after consultation with the board of the authority.

The Act eliminates requirements relating to mandatory issue studies to be conducted by the Council on Homelessness.

The Act eliminates defined examples of projects under the Bond Bank Program.

The Act eliminates the requirement that the assets of the former Iowa Housing Corporation be included in the assets of the Housing Trust Fund.

The Act provides that any moneys received by the authority from the National Housing Trust Fund shall be deposited in the Housing Trust Fund.

The Act amends the programs under the Housing Trust Fund to provide that at least 60 percent of the Housing Trust Fund moneys be allocated for the Local Housing Trust Fund Program. The remaining moneys must be used to make awards to project-based housing programs located in areas where a local housing trust fund does not exist or for a project-based housing program that is not eligible for funding through a local housing trust fund.

SENATE FILE 289 - Jumpstart Housing Assistance Program — Loan Forgiveness

BY COMMITTEE ON REBUILD IOWA. This Act provides that forgivable loans made under the Jumpstart Housing Assistance Program administered by the Iowa Finance Authority shall be forgivable in equal increments over a five-year period.

The Act takes effect April 21, 2009; and is retroactively applicable to September 1, 2008, and is applicable on and after that date.

SENATE FILE 304 - Targeted Jobs Withholding Tax Credit Program

BY COMMITTEE ON ECONOMIC GROWTH. This Act relates to agreements entered into for purposes of the Targeted Jobs Withholding Tax Credit Program.

The Act provides that a withholding agreement shall include the total amount of withholding tax credits awarded and the amount of credits shall not exceed the amount of the qualifying investment made in the project. An agreement shall not be entered into with an employer not already located in a pilot project city when another Iowa community is competing for the same project and both the pilot project city and the other Iowa community are seeking assistance from the Department of Economic Development. The department has the authority to approve or deny a withholding agreement but can only deny an agreement that fails to meet certain requirements.

Current law provides that a pilot project city shall not enter into agreements after June 30, 2010. The Act changes this date to June 30, 2013.

A pilot project city must annually provide to the department information documenting the total amount of payments and receipts under the program, and the department is required to verify the information.

The Act amends and clarifies the local match requirements of the program. If the completed project will increase the amount of property tax revenues collected by the pilot project city by 10 percent or more of the amount of withholding credit dollars received, then the pilot project city must contribute at least 10 percent of the local match requirement. However, if the completed project will not increase the amount of property tax revenues collected by an amount at least equal to 10 percent of the amount of withholding credit dollars received by the city, then the city is not required to make a contribution to the local match.

A pilot project city's contribution, if any, to the local match may include the dollar value of any tax abatement provided by the city to the business for new construction.

SENATE FILE 336 - Community Attraction and Tourism Program — Waivers

BY COMMITTEE ON REBUILD IOWA. This Act allows an applicant for financial assistance under the Community Attraction and Tourism Program or the River Enhancement Community Attraction and Tourism Program to apply to the Vision Iowa Board for a waiver of the local or private matching moneys required by the board if

that applicant is located in an area declared a disaster area by the Governor or by a federal official. The board may grant all or a portion of the applicant's waiver request.

The ability to apply for a waiver is available until June 30, 2010. The board may use repayments and recaptures of financial assistance awarded in prior years to grant financial assistance to projects receiving waivers during the fiscal year beginning July 1, 2009.

The board must provide a report to the General Assembly, the Governor, and the Legislative Services Agency regarding any waivers granted pursuant to the Act.

SENATE FILE 344 - **Economic Development Financial Assistance Programs — Miscellaneous Changes**
BY COMMITTEE ON ECONOMIC GROWTH. This Act relates to various financial assistance programs operated by the Department of Economic Development. The Act makes organizational changes to the administration of the Grow Iowa Values Fund and the programs funded with moneys appropriated to it. The Act also makes related changes to the High Quality Job Creation Program and the Enterprise Zone Program.

Division I — Grow Iowa Values Fund Reorganization

Division I of the Act reorganizes the administration of the Grow Iowa Values Fund. While the fund is sometimes referred to as if it were a single program, under current law, it is actually an annual appropriation to the Department of Economic Development that the department uses to fund a number of otherwise unrelated programs. The programs the department funds through the Grow Iowa Values Fund include the Community Economic Betterment Program, the Entrepreneurial Ventures Assistance Program, the Value-added Agricultural Products and Processes Financial Assistance Program, the Physical Infrastructure Financial Assistance Program, and the Loan and Credit Guarantee Program. Each of these programs has separate eligibility requirements and financial assistance mechanisms, and some have funding sources other than moneys appropriated from the Grow Iowa Values Fund. When moneys from the Grow Iowa Values Fund are used to fund one of these programs, recipients of the moneys are required to pay wages at 130 percent of the average county wage, regardless of any wage requirements contained in the program itself. If, however, a recipient receives financial assistance under one of the programs that comes from a funding source other than the Grow Iowa Values Fund, the recipient is only subject to the job and wage requirements of the program through which the financial assistance was received. In order to make uniform the job, wage, and benefit requirements and the funding mechanisms of these programs, Division I restructures the appropriations within the Grow Iowa Values Fund, creates a Grow Iowa Values Financial Assistance Program, repeals the programs listed above, and creates a number of components within the program, some of which correspond to the repealed programs.

Division I reestablishes the Grow Iowa Values Fund and specifies which funding sources the fund consists of. These sources include an annual \$50 million appropriation pursuant to Code Section 15G.110, interest, loan repayments, and grant recaptures of fund moneys, moneys accruing to the department from the repealed programs listed above, and interest on moneys appropriated to the fund. The department, with the board's approval, is authorized to use a portion of the moneys accruing to the fund from the accounts or funds associated with the repealed programs for covering administrative costs and operations.

Currently, the Grow Iowa Values Fund consists of multiple appropriations. Code Section 15G.110 appropriates \$50 million to the department annually for deposit in the Grow Iowa Values Fund, and, for each fiscal year of the fiscal period beginning July 1, 2009, and ending June 30, 2015, Code Section 15G.111 appropriates that \$50 million again in a number of smaller amounts. Division I restructures the multiple appropriations in Code Section 15G.111 as a single appropriation of \$50 million to the department, and the department is then directed to allocate the same amounts in substantially the same manner as they are appropriated under existing law.

While the allocations are substantially similar to appropriations under current law, Division I makes the following changes from the appropriations made in current law: (1) the department's \$32 million allocation for certain departmental purposes is further allocated, including amounts for administrative costs, financial assistance to businesses under the program, marketing proposals, a labor shed study, responding to

opportunities and threats, procuring technical assistance, covering existing loan guarantees, and \$2 million for deposit in the Renewable Fuel Infrastructure Fund; and (2) the current appropriation to the Treasurer of State for deposit in the Cultural Trust Fund is no longer appropriated to the treasurer but instead to the department for deposit in the Cultural Trust Fund.

Division I establishes a Grow Iowa Values Financial Assistance Program. The purpose of the program is to provide financial assistance from the moneys credited to the Grow Iowa Values Fund which have not been specifically allocated under Code Section 15G.111. The program consists of six components under which an applicant may qualify for financial assistance: (1) a 130 percent wage component; (2) a 100 percent wage component; (3) an entrepreneurial component; (4) an infrastructure component; (5) a value-added agriculture component; and (6) a disaster recovery component. The purpose and eligibility requirements of the program components are similar in many respects to those of the repealed programs mentioned previously, but the requirements of the program components are more uniform with each other than those of the repealed programs because they are reorganized and administered under a single program.

Division I directs the department, with the approval of the board, to allocate from the moneys in the fund an amount of financial assistance that may be awarded under each component of the program. This allocation among the program components is distinct from the \$32 million allocation from the \$50 million annual appropriation as it encompasses all moneys in the fund, including those accruing to the fund from sources other than the annual appropriation to the department, as described in Code Section 15G.111, subsection 1.

Division I requires the department to calculate a fiscal impact ratio before the board approves an award of financial assistance under certain components of the program. The board is directed to ensure that the amount of each award is appropriate to the fiscal impact ratio. For each award of financial assistance, the department must enter into an agreement with the recipient that describes the terms and obligations under which the financial assistance is provided.

Division I provides for a number of standard requirements that every recipient of financial assistance under the program must meet: (1) a report on violations of law must be submitted; (2) the business cannot have closed or reduced operations in one area of the state and simply moved them to another area of the state; and (3) providing financial assistance to one business cannot have a negative impact on other businesses in competition with the business.

Division I provides that in administering the Financial Assistance Program, the department must annually calculate a county wage and a regional wage for each county for purposes of determining eligibility for financial assistance under the program. Typically, applicants must meet between 100 percent and 130 percent of the wage calculations, depending on the component and the stage of the contract process. The county and regional wage calculations do not include the value of benefits. The division provides the methods for calculating the county wage and regional wage.

Division I provides for a 130 percent wage component. In order to qualify for financial assistance under this component, a business must create or retain jobs as part of a project and demonstrate that the jobs meet a wage requirement. The amount and timing of the wage requirement depends on whether the business is creating or retaining jobs. For created jobs, the requirement is that the jobs pay at least 100 percent of the qualifying wage threshold at the start of the project and at least 130 percent as of the project completion and maintenance period completion dates identified in the agreement with the department. For retained jobs, the wage requirement is that the jobs pay at least 130 percent of the qualifying wage threshold throughout the period covered by the agreement. The qualifying wage threshold is the county wage or the regional wage, whichever is lower.

In order to qualify under the 130 percent wage component, a business must also provide a sufficient benefits package to its employees. The department, with board approval, is directed to formulate rules determining what constitutes a sufficient benefits package. A business providing a sufficient benefits package automatically

qualifies for a credit against the 130 percent qualifying wage threshold. The credit cannot be applied to the 100 percent qualifying wage threshold that is applicable at the beginning of certain projects.

In order to qualify under the 130 percent wage component, a business must also demonstrate that the jobs created or retained will have a sufficient impact on state and local government revenues, as determined by the department's fiscal impact ratio calculation. In addition, the business cannot be a retail business or a business where entrance is limited by a cover charge or membership requirement.

If a business qualifies for financial assistance under another program that has higher wage requirements than the 130 percent wage component, then the business must meet those requirements, regardless of the wage requirements imposed under the 130 percent wage component.

Division I provides for a 100 percent wage component. In order to qualify for financial assistance under this component, a business must create or retain jobs as part of a project and demonstrate that the jobs meet a wage requirement. The wage requirement depends on whether the business is creating or retaining jobs. The wage threshold for this component is 100 percent throughout each phase of the agreement with the department.

In order to qualify under the 100 percent wage component, a business must also provide a sufficient benefits package to its employees. The department, with board approval, is directed to formulate rules determining what constitutes a sufficient benefits package. There is no credit toward the qualifying wage threshold under the 100 percent wage component.

As with the 130 percent wage component, a business must show a sufficient impact on government revenues, as determined by the fiscal impact ratio, and cannot be a retail business or a business where entrance is limited by a cover charge or membership requirement.

Division I provides for an entrepreneurial component similar in purpose to the Entrepreneurial Ventures Assistance Program repealed in Division I. In order to qualify under this component, a business must be an early-stage business. "Early-stage business" means a business which has been competing in a particular industry for three years or less. A business must also have consulted with and obtained a letter of endorsement from either a business accelerator approved by the department or from an entrepreneurial development organization recognized by the department. Businesses applying for financial assistance under this component are not required to have matching funds from a city or county. In awarding financial assistance under this component, the department and the board are directed to give priority to certain industries with the greatest potential for growth.

Division I provides for an infrastructure component similar in purpose to the physical infrastructure assistance component repealed in Division I. In order to qualify for financial assistance under this component, a business or community must be engaged in a physical infrastructure project. "Physical infrastructure project" means a project that creates necessary infrastructure for economic success throughout Iowa, provides the foundation for the creation of jobs, and that involves the investment of a substantial amount of capital.

Division I provides for a value-added agriculture component similar in purpose to the Value-added Agricultural Products and Processes Financial Assistance Program repealed in Division I. In order to qualify for financial assistance under this component, a business must be a production facility engaged in the process of adding value to certain agricultural products. The board and the department cannot award financial assistance under this component in an amount exceeding 50 percent of the total capital investment in a project. A business applying for financial assistance under this component is eligible for financial assistance regardless of whether the business has received matching funds from a city or county.

Division I of the Act provides for a disaster recovery component. In order to qualify for financial assistance under this component, a business must meet all of the following conditions: (1) the business must be located in an area declared a disaster area by a federal official; (2) the business must have sustained substantial physical damage and have closed as the result of a natural disaster; (3) the business must have a plan for reopening that includes employing a sufficient number of the employees the business employed before the

natural disaster occurred; and (4) the business must pay wages at the same level after reopening as it paid before the natural disaster occurred.

Division I provides for financial assistance under certain circumstances constituting either an opportunity or a threat to the state. The department, with the approval of the board, may award financial assistance to a business, an individual, a development corporation, a nonprofit organization, or a political subdivision of the state where, in the opinion of the department, there is a project presenting a unique opportunity for economic development in the state, or where there is a need to address a situation constituting a threat to the continued economic prosperity of the state. Financial assistance provided under these circumstances comes from the Grow Iowa Values Fund, but such financial assistance is not subject to the standard requirements of the Grow Iowa Values Financial Assistance Program or any of its components. The board is directed to adopt rules governing the eligibility of projects for this form of financial assistance.

Division I directs the department, with the approval of the board, to adopt rules making the terms of agreements with the recipients of financial assistance uniform across different programs, to the extent possible. These programs include the Grow Iowa Values Financial Assistance Program, the High Quality Job Program, and the Enterprise Zone Program.

Division I requires the department to accept and process applications for financial assistance under the program before preparing them for the board. A due diligence committee established by the board must review all applications and make a recommendation to the board. Applications for financial assistance under the value-added agriculture component must also be reviewed and recommended by the Agricultural Products Advisory Council. Applications for financial assistance related to technology commercialization must be reviewed by the Technology Commercialization Committee. In overseeing the administration of the Grow Iowa Values Fund and Financial Assistance Program, the board must take final action on the department's recommended annual allocations of fund moneys at the first board meeting after the start of a new fiscal year, consider the recommendations of the due diligence committee and Agricultural Products Advisory Council, and take final action on the plans for proposed expenditures submitted by the entities receiving moneys allocated under Code Section 15G.111.

Division I establishes an Accelerated Career Education Fund in the State Treasury under the control of the department and consisting of moneys appropriated to the department for purposes of funding the cost of Accelerated Career Education Program capital projects.

Division I provides for the transfer of the balance of moneys remaining in the various funds and accounts associated with the programs abolished in Division I of the Act. Because there are moneys obligated as guarantees made under the Loan and Credit Guarantee Program which may become unobligated on a future date, Division I provides for the future transfer of such moneys to the Grow Iowa Values Fund. Division I also provides for the transfer to the Accelerated Career Education Fund of certain past appropriations made to the department for purposes of Accelerated Career Education Program capital projects.

Division II — High Quality Job Program

Division II of the Act relates to the High Quality Job Creation Program. Currently, the program provides financial incentives to businesses that meet certain job and wage requirements, but these requirements are independent of any similar requirements in programs funded through the Grow Iowa Values Fund. Because applicants can apply to both programs, they are often subject to differing requirements on the same project. Division II applies the job creation requirements and the 130 percent qualifying wage threshold requirements, including the credit for providing a benefits package, of the Grow Iowa Values Financial Assistance Program to the High Quality Job Creation Program. These changes include making financial assistance under the High Quality Job Creation Program available for projects retaining jobs, thus Division II changes the name of the program to the High Quality Job Program.

Division II makes some changes to the High Quality Job Program in addition to the changes necessary to standardize certain requirements with the requirements in the Grow Iowa Values Financial Assistance Program.

Under current law, the department must consider all of the following: (1) whether a business that has merged with an Iowa company within the past three years has made a good faith effort to hire the workers of the acquired company; (2) whether the business has a hiring preference for Iowa residents; and (3) whether all known environmental permits have been issued and regulations met. Division II eliminates these provisions.

Division II moves the definition of "project completion" from the definitions in Code Section 15.327 to the sales tax refund provision in Code Section 15.331A. The provision defining "project completion" is only applicable to sales tax refunds.

Currently, the High Quality Job Creation Program contains a schedule of certain tax incentives available to eligible businesses under the program. The schedule is graduated, providing increasing investment tax credits and sales tax refunds as the number of jobs created and the amount of the qualifying investment are increased. The graduated schedule contains two tiers: one for jobs paying 130 percent of the average county wage and one for jobs paying 160 percent of the average county wage. Division II removes the current "average county wage" language and replaces it with the qualifying wage threshold requirements described in the Grow Iowa Values Financial Assistance Program. The 160 percent tier of incentives is eliminated, and the graduated scale of incentives is adjusted by changing the number of jobs that are required to be created in order to reach certain incentive levels.

Currently, the High Quality Job Creation Program provides for project-specific waivers from the wage requirements of the program. These waivers refer to average county or average regional wage calculations. Division II retains the waivers, but amends the language of the waiver provisions to reflect the county wage and regional wage calculations of the Grow Iowa Values Financial Assistance Program.

Division III — Enterprise Zone

Division III of the Act relates to enterprise zones. Like the High Quality Job Creation Program, there are benefit-related, job-related, and wage-related eligibility requirements under the Enterprise Zone Program. Division III standardizes some of these requirements with similar requirements in the High Quality Jobs Program and the Grow Iowa Values Financial Assistance Program.

Currently, in order to be eligible, a business must provide employees with a benefit plan that pays 80 percent of the cost of medical and dental insurance or the monetary equivalent of such a plan. Division III standardizes the benefit requirement for the Enterprise Zone Program with the benefit requirements of the Grow Iowa Values Financial Assistance Program and the High Quality Jobs Program. Specifically, a business must provide a sufficient package of benefits to employees, but what constitutes sufficient is determined by rule.

Currently, an eligible business under the Enterprise Zone Program must pay wages that are at least 90 percent of the average county wage, but not less than \$7.50 per hour. Division III changes the wage requirement to be 90 percent of the qualifying wage threshold, as defined in the Grow Iowa Values Financial Assistance Program. The \$7.50 per hour requirement is eliminated.

Currently, an eligible business under the Enterprise Zone Program must create at least 10 full-time positions and maintain them for at least 10 years. Division III requires instead that 10 full-time positions must be maintained until the maintenance period completion date, as defined in the Grow Iowa Values Financial Assistance Program. Currently, under certain circumstances in low-population counties, a business may only be required to create five jobs initially, with the other five jobs to be created within five years. Division III eliminates the provision that allows this.

Currently, an eligible business under the Enterprise Zone Program must make a capital investment of at least \$500,000, but is allowed to count the fair market value of the building and the land, up to \$250,000, toward this capital investment requirement if the business will be occupying a vacant building suitable for industrial use. Existing businesses operating in an enterprise zone for at least five years are also eligible for an exemption from the capital investment requirement of up to \$250,000. Division III eliminates the ability to count the fair market value of the building and the land, as well as the exemption for existing businesses.

Currently, an Enterprise Zone Commission must consider the impact an eligible business will have on competing businesses. Division III standardizes the language of this requirement with similar language in the Grow Iowa Values Financial Assistance Program.

Currently, an eligible business under the Enterprise Zone Program must submit an affidavit on its compliance with federal environmental and worker safety laws. Division III standardizes this language with similar language in the Grow Iowa Values Financial Assistance Program requiring a report on violations of law.

Division IV of the Act makes amendments to the Code in conformance with the changes made in divisions I, II, and III of the Act.

SENATE FILE 376 - Iowa Jobs Program, Bonding, Miscellaneous Appropriations and Reductions, and Other Miscellaneous Changes Fiscal Analysis

BY COMMITTEE ON APPROPRIATIONS. This Act creates an Iowa Jobs Program, Iowa Jobs Board, and Iowa Jobs Fund; authorizes the issuance of bonds including tax-exempt bonds; and makes and revises appropriations.

Division I — Revenue Bonding — Iowa Jobs Program

Division I authorizes the Treasurer of State to issue and sell bonds on behalf of the state to provide funds for certain infrastructure projects and for purposes of the Iowa Jobs Program. The treasurer may issue and sell bonds in one or more series in amounts which provide aggregate net proceeds of not more than \$545 million, excluding any bonds issued and sold to refund outstanding bonds issued, as follows: not more than \$185 million for capital projects which qualify as vertical infrastructure projects and not more than \$360 million for purposes of the Iowa Jobs Program and for watershed flood rebuilding and prevention projects, soil conservation projects, sewer infrastructure projects, certain housing and public service shelter projects and public broadband and alternative energy projects, and for projects relating to bridge safety and the rehabilitation of deficient bridges.

Any bonds issued and sold under the provisions of the Act are issued and sold for an essential public and governmental purpose, are generally exempt from taxation by the state, and the interest on the bonds is exempt from state income tax and the state inheritance tax. Bonds issued and sold are limited special obligations of the state and are not a debt or indebtedness of the state, nor of any political subdivision of the state, and do not constitute a pledge of the faith and credit of the state or a charge against the general credit or General Fund of the State.

The division creates a Revenue Bonds Capitals Fund. Revenue for the Revenue Bonds Capitals Fund includes the net proceeds of bonds earnings and interest attributable to investment of moneys in the fund, and moneys in the form of a devise, gift, bequest, donation, federal or other grant, reimbursement, repayment judgment, transfer, payment, or appropriation. Annually, a state agency that received an appropriation from the fund is required to submit a report regarding the status of all projects completed or in progress.

The division creates a Revenue Bonds Debt Service Fund. The moneys in such fund are appropriated and shall be used for the purpose of making all payments with respect to bonds issued and sold pursuant to the Act. The Treasurer of State may create and establish one or more bond reserve funds to secure one or more issues of bonds under the Act.

Division II — Iowa Jobs Board, Iowa Jobs Program, and the Iowa Jobs Fund

Division II creates an Iowa Jobs Board consisting of 11 members located for administrative purposes within the Iowa Finance Authority. The Iowa Jobs Board shall establish the Iowa Jobs Program and shall award financial assistance in the form of grants, including certain competitive grants.

The Iowa Jobs Program is created to assist in the development and completion of public construction projects relating to disaster relief and mitigation and to local infrastructure defined to include projects relating to disaster rebuilding, reconstruction and replacement of local public buildings, flood control and flood protection, and future flood prevention. A city or county or a public organization may submit an application to

the Iowa Jobs Board for financial assistance for a local infrastructure competitive grant for an eligible project under the program. The board shall consider certain criteria in evaluating eligible projects to receive financial assistance under the program. The total amount of allocations for future flood prevention, reconstruction and replacement of local public buildings, disaster rebuilding, flood control and flood protection projects shall not exceed \$165 million for the fiscal year beginning July 1, 2009.

The division creates an Iowa Jobs Restricted Capitals Fund consisting of moneys appropriated from the Revenue Bonds Capitals Fund. The moneys in the Iowa Jobs Restricted Capitals Fund are appropriated to the Iowa Jobs Board for purposes of the Iowa Jobs Program, with \$165 million allocated for FY 2009-2010 as follows:

1. The division appropriates \$118.5 million for competitive grants for local infrastructure projects relating to disaster rebuilding, reconstruction, and replacement of local buildings; flood control and flood protection; and future flood prevention public projects. An applicant for a local infrastructure grant shall not receive more than \$50 million in financial assistance from the fund.
2. The division appropriates \$46.5 million for targeted disaster relief and mitigation and local infrastructure grants for certain renovation and construction projects, notwithstanding any limitation on the state's percentage participation in funding as contained in Code Section 29C.6. Grants awarded to such projects are contingent upon submission of a plan for each project to the Iowa Jobs Board, no later than September 1, 2009.

The division requires the Iowa Jobs Board to provide a report to the Legislative Services Agency and the Department of Management about the status of all funded projects completed or in progress.

Division III — Revenue Bonds Capitals Fund — Appropriations

Division III appropriates moneys for FY 2009-2010 from the Revenue Bonds Capitals Fund to the Department of Agriculture and Land Stewardship, the Department of Natural Resources, the Iowa Energy Center, the Iowa Finance Authority, the Iowa Telecommunications and Technology Commission, and the Department of Transportation. Payment of moneys appropriated shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the Treasurer of State and shall not be used for administrative or planning purposes.

The division also creates a joint governance board to establish a comprehensive plan for the deployment and sustainability of high-speed broadband access in areas capable of timely implementation and to establish a competitive process for the disbursement of funds made available for the deployment and sustainability of high-speed broadband services in the form of grants.

Division IV — Regents Bonding

Division IV eliminates the requirement that the State Board of Regents receive authorization from the General Assembly and the Governor before issuing hospital revenue bonds, authorizes the state board to sell bonds or notes at a private sale without publishing notice under certain circumstances, and to sell bonds or notes at certain interest rates; and allows the state board to use revenue bond proceeds for construction of replacement facilities and for flood recovery and flood mitigation expenses resulting from a disaster emergency area as proclaimed by the Governor.

Division V — Changes to Prior Appropriations

Division V deappropriates the previously enacted FY 2009-2010 appropriation for the River Enhancement Community Attraction and Tourism Fund from the Rebuild Iowa Infrastructure Fund.

The division generally deappropriates moneys for the Department of Administrative Services from the FY 2009 Tax-Exempt Bond Proceeds Restricted Capital Funds Account of the Tobacco Settlement Trust Fund. The division also generally deappropriates moneys for the departments of Corrections, Education, Natural Resources, Transportation, and Veterans Affairs; the Department for the Blind; the State Board of Regents; and

the Iowa State Fair from the FY 2009 Tax-Exempt Bond Proceeds Restricted Capital Funds Account of the Tobacco Settlement Trust Fund, and reappropriates such moneys for FY 2008-2009 from the Revenue Bonds Capitals Fund. The division also appropriates additional moneys from the Revenue Bonds Capitals Fund for FY 2008-2009 for additional projects for the Department of Corrections, the Department of Economic Development, the Department of Natural Resources, the Department of Veterans Affairs, and the State Board of Regents.

Division VI — Miscellaneous Code Changes

Division VI makes changes to Code Section 8.57 relating to the distribution of wagering tax allocations for purposes of pledging a revenue stream for the new revenue bonds issued under the Act. In addition, the division makes changes to Code Section 123.53 relating to the Beer and Liquor Control Fund to provide for a secondary source of revenue funding for the revenue bonds.

The division creates the Public Service Shelter Grant Fund, the Disaster Damage Housing Assistance Grant Fund, and the Affordable Housing Assistance Grant Fund under the authority of the Iowa Finance Authority and the Bridge Safety Fund under the authority of the Department of Transportation. The division requires an annual infrastructure report for appropriations received from such funds to be submitted to the Legislative Services Agency and the Department of Management. Payment of moneys appropriated shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the Treasurer of State.

The division expands the authority of counties to bond for capital projects for the construction, reconstruction, improvement, repair, or equipping of bridges, roads, and culverts if the projects relate to damage caused by certain man-made or natural disasters or if the projects are designed to prevent or mitigate damage from such future disasters.

The division provides that a gas or electric utility that is not required to be rate-regulated shall be eligible for a loan under the Alternate Energy Revolving Loan Program under certain circumstances; however, such loans shall be limited to a maximum of \$500,000 per applicant and shall be limited to one loan every two years.

The Act takes effect May 14, 2009.

SENATE FILE 480 - Film, Television, and Video Project Promotion Program — Fees and Qualified Expenditures

BY COMMITTEE ON WAYS AND MEANS. This Act relates to the eligibility for tax credits and deductions from income received under the Film, Television, and Video Project Promotion Program.

The Act allows the Department of Economic Development to charge a fee to register a project with the program. The amount of the fee is determined by rule and must be used to administer the program. The department may also negotiate the amount of tax credits awarded under the program, provided the credits do not exceed 25 percent of qualified expenditures.

The program currently does not allow salary expenditures for directors, producers, and principal cast members, or other personnel to be counted as qualified expenditures under the program. The Act allows a portion of the compensation paid to such persons to be counted toward a taxpayer's qualified expenditures if the person is an Iowa resident or Iowa-based business. For principal producers, directors, and cast members, as much as \$250,000 of compensation paid may be counted if the qualified expenditures are at least \$10 million but less than \$20 million. As much as \$1 million of compensation paid may be counted if the qualified expenditures are at least \$20 million. For personnel other than principal producers, directors, and cast members, as much as \$150,000 of compensation paid may be counted if the qualified expenditures are less than \$10 million. As much as \$200,000 of compensation paid may be counted if the qualified expenditures are at least \$10 million but less than \$20 million. As much as \$300,000 may be counted if the qualified expenditures are at least \$20 million.

The program currently allows vendors to take a reduction in adjusted gross income for qualified expenditures in the same year as the expenses are incurred. The Act makes the credit available for the tax year in which the expenditures were incurred and for three ensuing tax years.

The Act applies to projects registered on or after July 1, 2009.

[HOUSE FILE 817](#) - **Economic Growth and Expansion and Research Activities Tax Credit Funding**
BY COMMITTEE ON WAYS AND MEANS. This Act relates to the amount of tax credits available for innovative renewable energy generation components as part of the research activities tax credit.

Currently, the total amount of these tax credits that can be claimed is limited to \$1 million. The Act changes the limit to \$2 million. Since \$1 million of tax credits has already been claimed, the Act makes an additional \$1 million of tax credits available.

The Act provides that \$1 million of the moneys usually appropriated to the Department of Economic Development from the Grow Iowa Values Fund is instead transferred to the General Fund of the State. This has the effect of making the Act revenue neutral for the fiscal year beginning July 1, 2009.

The Act applies to innovative renewable energy generation projects approved on or after April 23, 2009.

EDUCATION

- [SENATE FILE 81](#) - Disaster Relief for School Corporations — Procedures
- [SENATE FILE 177](#) - Open Enrollment — Transportation
- [SENATE FILE 217](#) - School Finance — Categorical Allowable Growth
- [SENATE FILE 218](#) - School Finance — Allowable Growth
- [SENATE FILE 270](#) - Registration of Postsecondary Schools
- [SENATE FILE 360](#) - Schools and School Districts — Accreditation and Reorganization
- [SENATE FILE 445](#) - Teacher Compensation
- [SENATE FILE 474](#) - University of Iowa Flood Repair — Bonding
- [HOUSE FILE 233](#) - Disposition of School Property
- [HOUSE FILE 687](#) - Education — Records, Reports, and Employment Issues
- [HOUSE FILE 815](#) - Public Postsecondary Education Articulation Information and Agreements

RELATED LEGISLATION

- [SENATE FILE 152](#) - Human Services — Planning, Placement, and Services for Children
SEE CHILDREN AND YOUTH. This Act relates to administrative and planning responsibilities involving children who are subject to a court order for out-of-home placement and includes requirements for documenting the educational stability of the school setting for such children and providing for the child to continue attending school in the same school district that the child was enrolled in at the time of placement unless it is determined the continued attendance is not in the child's best interests.
- [SENATE FILE 199](#) - Uniform Athlete Agents Act
SEE CIVIL LAW, PROCEDURE, AND COURT ADMINISTRATION. This Act repeals the existing provisions of Code Chapter 9A, which relate to the registration of athlete agents, and replaces them with the Uniform Athlete Agents Act which provides uniform regulation of athlete agents seeking to represent student athletes who are or may be eligible to participate in intercollegiate sports.
- [SENATE FILE 209](#) - Public Safety and Law Enforcement Practices and Procedures
SEE STATE GOVERNMENT. This Act specifies that any renovation or repair of state buildings shall be subject to a plan review under the State Building Code. However, repairs of a building owned by the State Board of Regents shall be excluded from such a plan review.
- [SENATE FILE 376](#) - Iowa Jobs Program, Bonding, Miscellaneous Appropriations and Reductions, and Other Miscellaneous Changes
SEE ECONOMIC DEVELOPMENT. This Act creates an Iowa Jobs Program, an Iowa Jobs Board, and an Iowa Jobs Fund; authorizes the issuance of bonds including tax-exempt bonds; and makes and revises appropriations. The Act, in part, eliminates the requirement that the State Board of Regents receive authorization from the General Assembly and the Governor before issuing hospital revenue bonds, authorizes the state board to sell bonds or notes at a private sale without publishing notice under certain circumstances and to sell bonds or notes at certain interest rates, and also allows the state board to use revenue bond proceeds for construction of replacement facilities and for flood recovery and flood mitigation expenses resulting from a disaster in a disaster emergency area as proclaimed by the Governor. The Act takes effect May 14, 2009.

- [SENATE FILE 430](#) - Statutory Boards, Commissions, Councils, and Committees — Legislative Appointments
SEE STATE GOVERNMENT. This Act relates to appointments to statutory boards, commissions, and councils that involve the General Assembly and includes a change in the terms of the legislative appointments to the Iowa Learning Technology Commission and the Iowa Cultural Trust.
- [SENATE FILE 449](#) - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities in provisions relating to criminal history checks on teachers; school finance; postsecondary enrollment options; State Board of Regents' property and procurement policies; open enrollment; advanced courses for high school students; teacher compensation and the Educational Excellence Program; management of public school property; school bus drivers; and special education of children.
- [SENATE FILE 451](#) - Public Undergraduate Tuition and Fees — Veterans, Military Personnel, and Families — Residency
SEE PUBLIC DEFENSE AND VETERANS. This Act requires the boards of directors of the state's community colleges and the State Board of Regents to adopt rules that classify as residents, for purposes of undergraduate tuition and fees, qualified veterans and qualified military persons and their spouses and dependent children who are domiciled in this state while enrolled in a community college or regents university.
- [SENATE FILE 457](#) - Disaster Recovery and Remediation — Expenditures — Financing
SEE LOCAL GOVERNMENT. Division II of this Act authorizes the Executive Director of the State Board of Regents, or the board, to authorize, adopt, and implement emergency public bidding and contract letting requirements if a delay in undertaking a repair, restoration, or reconstruction of a public improvement might cause serious loss or injury at an institution under the control of the board. Division II of the Act takes effect May 12, 2009.
- [SENATE FILE 469](#) - Appropriations — Economic Development
SEE APPROPRIATIONS. This Act makes appropriations and transfers from the General Fund of the State and other funds to the Department of Cultural Affairs, the Department of Economic Development, the University of Iowa, the University of Northern Iowa, Iowa State University, the Department of Workforce Development, and the Public Employment Relations Board for FY 2009-2010.
- [SENATE FILE 470](#) - Appropriations — Education
SEE APPROPRIATIONS. Division I of this Act appropriates moneys for FY 2009-2010 from the General Fund of the State to the Department for the Blind, College Student Aid Commission, the Department of Education, and the State Board of Regents and its institutions. Division II of the Act provides for the establishment of a state research and development prekindergarten through grade 12 school at the University of Northern Iowa based on a three-year transition plan.
- [SENATE FILE 478](#) - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act makes, reduces, and transfers appropriations, provides salaries and compensation of state employees, and covers other properly related matters. Various education-related appropriations are revised. Division IX requires the Department of Education to convene a working group to review supports for students affected by an increase in the compulsory attendance age and requires

area education agency boards to annually submit salary and benefits information to the department.

[SENATE FILE 482](#)

- Volunteer Service Programs
SEE LABOR AND EMPLOYMENT. This Act relates to youth employment programs administered by the Commission on Volunteer Service by establishing the Iowa Summer Youth Corps and Green Corps Programs. The program provisions include a service learning component. Provisions establishing the programs take effect May 26, 2009.

[HOUSE FILE 214](#)

- Educational Opportunity For Military Children — Compact
SEE PUBLIC DEFENSE AND VETERANS. This Act establishes the Interstate Compact on Educational Opportunity for Military Children to remove barriers to educational success experienced by children of military families because of their parents' deployment and frequent moves; establishes a Council on Educational Opportunity for Military Children to provide advice and recommendations regarding Iowa's participation in and compliance with the compact; and directs the Governor to appoint a military family education liaison to facilitate implementation of the compact. The Act takes effect March 26, 2009.

[HOUSE FILE 475](#)

- Elections and Voter Registration
SEE ELECTIONS, ETHICS, AND CAMPAIGN FINANCE. This Act makes various changes to the Code relating to the conduct of elections, voting, and voter registration including the following school election-related changes:
 - Code Section 47.6 is amended to require that the text of a public measure to be submitted at election to the voters of a school district or merged area must be submitted to the county commissioner of elections no later than 5:00 p.m. on the forty-sixth day before the election.
 - Code Sections 260C.15 and 260C.22 are amended to allow community colleges to submit the question of imposing or renewing the facilities property tax levy at the regular school election in September of the odd-numbered year or at a special election held on the second Tuesday in September of the even-numbered year.
 - Code Section 275.18 is amended to provide that a map of a proposed school district reorganization shall be posted prominently in one place, rather than the current four, within the precinct.
 - Code Section 294.8 is amended to provide that certain elections held on school pension systems shall be held at the regular school election rather than the general election.
 - Code Section 298.2, relating to the physical plant and equipment levy that requires voter approval, is amended to specify that an election on the levy may be called by the board of directors on its own motion.
 - Code Section 298.9 is amended to specify that the portion of the physical plant and equipment levy that is required to receive approval of the voters may be submitted at a special election rather than only at the regular school election. This section of the Act takes effect April 10, 2009.
 - Code Section 301.24 changes from 30 days to 60 days before the election the deadline for submitting a petition requesting that the proposition to distribute free textbooks in a school district be placed on the regular school election ballot.

[HOUSE FILE 811](#)

- Appropriations — Health and Human Services
SEE APPROPRIATIONS. This Act relates to and makes appropriations for health and human services for FY 2009-2010 and includes numerous provisions involving children, including funding for child care programs and training associated with community empowerment areas and early education.

[HOUSE FILE 820](#)

- Federal Block Grant Appropriations and Other Federal Funding
SEE APPROPRIATIONS. This Act appropriates federal block grant, federal American Recovery and Reinvestment Act of 2009 (ARRA), and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, and for the state fiscal year beginning July 1, 2009, and ending June 30, 2010, including funding made available to the state for a number of education programs. Significant ARRA funding is appropriated for state aid for education, regents institutions, community colleges, and certain programs.

[HOUSE FILE 822](#)

- Appropriations — Infrastructure and Capital Projects
SEE APPROPRIATIONS. This Act makes appropriations to state departments and agencies from the Rebuild Iowa Infrastructure Fund, the Technology Reinvestment Fund, and other funds; creates and funds the Iowa Flood Center; provides for related matters; and provides effective and retroactive applicability date provisions. The Act includes a provision establishing an Iowa Flood Center at the University of Iowa.

EDUCATION

[SENATE FILE 81](#) - Disaster Relief for School Corporations — Procedures

BY COMMITTEE ON EDUCATION. This Act assists school districts and accredited nonpublic schools to recover from a man-made or natural disaster.

A school corporation may transfer funds from its emergency fund when the school corporation has monetary deficiencies due to any cause. The School Budget Review Committee (SBRC) must first approve the transfer.

The Director of the Department of Education may waive statutory obligations that school districts and accredited nonpublic schools cannot reasonably comply with due to a disaster. The director is required to report to the General Assembly annually, beginning January 1, 2010, about the necessity of waiving any statutory obligations for school districts and specific information about each waiver request.

The SBRC may authorize a school district to spend a reasonable and specified amount from its unexpended cash balance for the costs of demolishing or repairing a building or structure if such costs are necessitated by, and incurred within two years of, a disaster.

Area education agencies (AEAs) are authorized to purchase and lease-purchase facilities and buildings within two years of a disaster and with the approval of the State Board of Education.

When emergency repairs necessary to ensure continued use of a school, an AEA facility, or school facility cost more than the competitive bid threshold or adjusted competitive bid threshold, the provisions of law with reference to advertising for bids shall not apply within two years of a disaster. However, the state board or its designee must certify that emergency repairs are necessary to ensure the use of the AEA facility; and in the case of a school or school facility, a certificate from the AEA administrator is necessary prior to starting emergency repairs to verify that repairs are necessary for continued use of the school or school facility.

Funds from the physical plant and equipment levy may be used for demolition, cleanup, and other costs necessitated by, and incurred within two years of, a disaster.

[SENATE FILE 177](#) - Open Enrollment — Transportation

BY COMMITTEE ON EDUCATION. This Act defines "a point on a regular school bus route of the receiving district" for purposes of transporting students participating in open enrollment. The parent or guardian of a student is responsible for transporting the student without reimbursement to and from a point on a regular school bus route of the receiving district, which, under the definition, includes any school bus stop on the route that existed prior to road construction which necessitates a change in the route, whether or not the change to the route necessitates sending school vehicles from the receiving school district into the school district of residence to transport the students to or from the preexisting point on the route safely, economically, or efficiently.

Currently, the receiving district can only send school vehicles into the district of residence for purposes of transporting students participating in open enrollment if both school districts agree to the arrangement.

[SENATE FILE 217](#) - School Finance — Categorical Allowable Growth

BY COMMITTEE ON EDUCATION. This Act sets the categorical state percent of growth under the State School Foundation Program at 2 percent for the budget year beginning July 1, 2010. The Act is applicable for computing categorical state school foundation aid for the school budget year beginning July 1, 2010.

[SENATE FILE 218](#) - School Finance — Allowable Growth

BY COMMITTEE ON EDUCATION. This Act sets the state percent of growth under the State School Foundation Program at 2 percent for the budget year beginning July 1, 2010. The Act is applicable for computing state school foundation aid for the school budget year beginning July 1, 2010.

[SENATE FILE 270](#) - Registration of Postsecondary Schools

BY COMMITTEE ON EDUCATION. This Act transfers from the Office of the Secretary of State to the College

Student Aid Commission the administrative duties relating to the registration of postsecondary schools under Code Chapter 261B and the responsibilities relating to the evidence of financial responsibility of those schools under Code Chapter 714. In addition to current postsecondary school registration requirements, the Act requires a postsecondary school that maintains or conducts courses of instruction using distance delivery methods in Iowa to register with the commission and provide evidence of financial responsibility.

The Act modifies the registration requirements by adding that before the commission may approve a school, the school must be approved by all other state agencies authorized to approve the school; eliminating a requirement which provides that a substantial change in program offerings means the school must renew its registration; and requiring practitioner preparation programs, which must be accredited and approved by the State Board of Education to operate in this state, to also be approved by the commission. A violation of the registration requirements constitutes an unlawful practice under the Consumer Fraud Act.

Membership on the Advisory Committee on Postsecondary Registration is altered by replacing the representative of the Office of Secretary of State with a representative of the commission and adding to the membership a representative of a for-profit accredited private institution.

Schools and education programs conducted by religious organizations are only exempt from registration requirements when they are providing instruction to leadership practitioners of that religious organization. Postsecondary educational institutions licensed to conduct business in the state prior to July 1, 2009, are also exempt.

Registration under Code Chapter 261B does not exempt a school from the requirements of the Iowa Business Corporation Act or from the requirements of Code Chapter 491, providing for organization of a corporation for pecuniary profit.

[SENATE FILE 360](#) - Schools and School Districts — Accreditation and Reorganization

BY COMMITTEE ON EDUCATION. This Act makes a number of changes relating to the accreditation of school districts and nonpublic schools and the reorganization of school districts.

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

At the request of the school district or nonpublic school, the school district or nonpublic school may appear before and directly address the State Board of Education regarding any part of the accreditation committee's plan. The state board may modify the plan. The accreditation committee's recommendation must specify under what conditions a school district may remain accredited. During the period of time specified in the plan for its implementation by a school district or nonpublic school, the school district or school remains accredited.

The Act adds language to the educational standards relating to the utilization of the equalization levy by a school district receiving the assets and liabilities of a school district whose accreditation was removed, an arbitration process when the affected school districts cannot agree to the division of assets and liabilities, income surtax revenue and other revenues generated by property taxes in the taxable land received by school districts contiguous to the former school district, and the distribution of revenues based on percentages of students in the former school district who now reside in the territory received by other accredited school districts. The former school district is charged with the responsibility and authority to complete execution of quitclaim deeds in fulfillment of the merger of territory, preparation of and payment for a final audit of its financial accounts, and preparation and certification of a final certified annual report to the department.

The provisions of Code Section 275.57, relating to changing director district boundaries following dissolution, are applicable when removal of accreditation from a school district and merger of its territory to one or more contiguous school districts leads to the formation of new director districts.

Delivery of dissolution proposals and notifications of public hearings on dissolution proposals may be made by the U.S. Postal Service, hand delivery, facsimile transmission, or electronic delivery.

After the final hearing on a dissolution proposal, the school district must submit the proposition at an election held on the next possible statutory special election date. However, the date of the final hearing on the proposal must be not less than 30 days nor more than 60 days before the election.

[SENATE FILE 445](#) - Teacher Compensation

BY COMMITTEE ON EDUCATION. This Act directs the sources of teacher compensation be distributed under new Code Section 284.3A. Commencing with the school budget year beginning with July 1, 2009, the funds intended to compensate teachers in Code Sections 257.10 and 257.37A shall be distributed as directed in Code Section 284.3A.

New Code Section 284.3A provides that school boards and certified bargaining representatives for organized employees of a school district and area education agency (AEA) shall negotiate as part of collective bargaining the funds available, including a reduction in the teacher salary supplement per pupil amount. School boards are authorized to create and distribute the salary system funds for nonorganized workers, including a reduction in the teacher salary supplement per pupil amount.

Commencing with the school budget year beginning July 1, 2010, all payments authorized under the Code to compensate teachers shall be combined with wages to create one salary system. Each year each school district and AEA shall certify to the Department of Education that the funding received for teacher compensation was spent on salaries for qualified teachers. If employees of a school district or AEA organize and bargain collectively under Code Chapter 20, all payments under the new salary system are determined according to Code Chapter 20 and available for negotiation.

The Educational Excellence Program is eliminated from the Code.

[SENATE FILE 474](#) - University of Iowa Flood Repair — Bonding [Fiscal Analysis](#)

BY COMMITTEE ON APPROPRIATIONS. This Act relates to the bonding authorization of the State Board of Regents for buildings and facilities, including bonding for flood repair, restoration, replacement, and mitigation at the University of Iowa (SUI); and for phase II construction and renovation of the veterinary medical facilities at Iowa State University (ISU).

The Act authorizes the state board to finance certain costs attributable to the repair, restoration, and replacement of buildings and facilities and for certain other flood recovery and mitigation expenses incurred or to be incurred with respect to flood-damaged buildings and improvements located on the SUI campus. The state board is also authorized to borrow moneys and to issue and sell negotiable revenue bonds in the amount of \$100 million in the manner provided in Code Sections 262A.5 and 262A.6 in order to pay all or any part of the costs of carrying out the projects. The amount of bonds may be exceeded by the amount the state board determines to be necessary to capitalize bond reserves, interest during construction, and issuance costs.

The Act further authorizes the state board to borrow moneys and to issue and sell negotiable revenue bonds in the amount of \$15 million for the phase II construction and renovation of the veterinary medical facilities at ISU in the manner provided in Code Sections 262A.5 and 262A.6 in order to pay all or any part of the costs of carrying out the projects. The amount of bonds may be exceeded by the amount the state board determines to be necessary to capitalize bond reserves, interest during construction, and issuance costs.

The Act amends Code Section 262A.2(3) to add auditoriums and concert halls to the list of authorized regents revenue bonding projects.

[HOUSE FILE 233](#) - Disposition of School Property

BY COMMITTEE ON EDUCATION. This Act relates to the disposition of school property by striking language that allows the board of directors of a school district to take independent action to dispose of any interest in real or other property of the school corporation, eliminating the definition of "dispose" or "disposition," and limiting to 10 days the time electors have to counter an action by the board in regard to disposition of real or other property.

The Act takes effect March 13, 2009.

HOUSE FILE 687 - Education — Records, Reports, and Employment Issues

BY COMMITTEE ON EDUCATION. This Act reduces or eliminates certain paperwork and reporting requirements for the Department of Education, school districts, and accredited nonpublic schools.

REPORTING STUDENT ACHIEVEMENT. The Act eliminates requirements that school districts and accredited nonpublic schools report graduation rates based on the definition specified by the National Governors Association; the number of students pursuing and receiving a high school equivalency diploma; the percentage of students receiving a high school diploma who were not proficient in core areas by grade 11; and the number of high school juniors who, in the prior year, were within four units of meeting graduation requirements.

DUTIES OF THE DIRECTOR. The Act strikes provisions that require the director of the department to do the following: report biennially to the Governor the condition of public schools and school districts, including a review of the department's programs and services; prepare and submit to the General Assembly a report containing a summary of teacher exchange program information and the recommendations of the State Board of Education for revisions, amendments, and new provisions of school laws; and prepare a plan and a report for ensuring that all Iowa children will be able to satisfy the requirements for high school graduation.

CHARACTER EDUCATION INITIATIVE. A requirement that the department report to the state board and the General Assembly regarding the success of any character education initiative is stricken.

IOWA EARLY INTERVENTION BLOCK GRANT PROGRAM. Also stricken is a provision that requires a school district to submit a report to a child's parent or guardian if the child's performance on diagnostic assessments in kindergarten through grade three indicate the child is reading below grade level, and which requires the parent or guardian to sign and return the report.

SCHOOL BUDGET REVIEW COMMITTEE. The Act adds a requirement that the department post on its Internet website agendas of the School Budget Review Committee's (SBRC) scheduled hearings and minutes of those hearings, strikes a requirement that the SBRC report to each session of the General Assembly, and adds a requirement that the SBRC provide certain information on the department's Internet website.

COMMUNITY COLLEGE GED STUDENT INFORMATION REQUESTS. The Act strikes a requirement that community colleges request that students pursuing or receiving a high school equivalency diploma identify their school districts of residence and the last year in which they were enrolled in their school district, and annually report the information to school districts.

ANNUAL SCHOOL DISTRICT FINANCIAL REPORT. A school district must post copies of its previous school year's financial report on its Internet website by January 1 rather than the beginning of the school year.

NOTIFICATION OF THE MAXIMUM SCHOOL DISTRICT TUITION FEE. The Act eliminates a requirement that the director of the department notify every school district of what the computed maximum tuition rate will be for the ensuing year is eliminated.

PUBLIC DISCLOSURE OF OUTSTANDING LEVIES. The date by which outstanding levies must be posted on a school district's Internet website is changed from the beginning of the school year to January 1 of each school year.

OFFICERS AND TEACHERS AS AGENTS FOR BOOKS AND SUPPLIES — PENALTY. The Act prohibits school district directors, officers, and teachers from acting as agents for school textbooks or school supplies, including sports apparel or equipment, in any transaction with a director, officer, or other staff member of the school district. The Act also prohibits the area education agency (AEA) directors, officers, and teachers from acting as agents for school textbooks or school supplies, including sports apparel or equipment, in any transaction with an AEA director, officer, or other staff member or with any director, officer, or other staff member of any school district located within the AEA. A person who violates the provision commits a serious misdemeanor.

REPEALS. The Act repeals the following provisions: requirements that the director of the department make a full report of all receipts and expenditures under the Code chapter relating to vocational education, and

establish and implement a voluntary practitioner performance improvement program to provide technical assistance to teachers and administrators from each school district and AEA; a requirement that school officers report to the department biennially the number of children who are of compulsory attendance age, the number of those children who are truant or who have 15 unexcused absences during a three-year period, and if possible, the cause of the failure to attend.

HOUSE FILE 815 - Public Postsecondary Education Articulation Information and Agreements

BY COMMITTEE ON WAYS AND MEANS. This Act relates to the transfer and articulation of academic credits among the state's postsecondary institutions.

The Act directs the boards of directors of the community colleges and the State Board of Regents to enter into a collective statewide articulation agreement to provide for the seamless transfer of academic credits from a completed associate of arts or associate of science degree program offered by a community college to a baccalaureate degree program offered by a regents university; and to identify a transfer and articulation contact office or person, publicize transfer and articulation information and the contact information, and submit the contact information for publication on the articulation website maintained by the state board.

The community college boards and the state board are further directed to collaborate with each other to meet the requirements to develop a systematic process for expanding academic discipline and faculty-to-faculty meetings, develop criteria to prioritize core curriculum areas, promote greater awareness of articulation-related activities, facilitate additional opportunities for individual institutions to pursue program articulation agreements for career and technical educational programs, and develop and implement a process to examine a minimum of eight new associate of applied science degree programs for which articulation agreements would serve students' continued academic success in those degree programs.

The Department of Education is directed to develop and implement a plan to provide at least twice annually notification to all principals and guidance counselors employed by school districts and accredited nonpublic schools describing how students can find and use the state board's articulation website, and to provide suggested methods for schools and community colleges to effectively communicate information about the website to all interested elementary, secondary, and community college students.

The state board must also prepare, with the department and the Liaison Advisory Committee on Transfer Students, and submit by January 1 annually to the General Assembly, an update on the articulation efforts and activities implemented by the community colleges and the regents universities.

ELECTIONS, ETHICS, AND CAMPAIGN FINANCE

- [SENATE FILE 49](#) - Campaign Finance — Miscellaneous Provisions
- [SENATE FILE 50](#) - Compensation for Candidates and Immediate Family Members
- [SENATE FILE 51](#) - Campaign Finance — Electronic Filing of Statements and Reports
- [SENATE FILE 52](#) - Ethics Regulation
- [SENATE FILE 436](#) - Satellite Absentee Voting Station Observers
- [HOUSE FILE 450](#) - City Elections — Poll Opening Times
- [HOUSE FILE 475](#) - Elections and Voter Registration
- [HOUSE FILE 670](#) - Counting of Absentee Ballots
- [HOUSE FILE 708](#) - Absentee Ballots — Patients or Residents of Hospitals or Health Care Facilities
- [HOUSE FILE 776](#) - Political Campaign Practices — False Caller Identification

RELATED LEGISLATION

- [SENATE FILE 45](#) - General County Purpose Bonds — Notice and Election Procedures
SEE LOCAL GOVERNMENT. This Act modifies the ballot proposition language relating to the issuance of county general obligation bonds to remove the requirement that the total cost of the project be stated on the ballot. The Act takes effect February 16, 2009.
- [HOUSE FILE 414](#) - Appropriation Reductions, Transfers, and Supplementals
SEE APPROPRIATIONS. This Act primarily relates to public funding and regulatory matters for FY 2008-2009 by revising and supplementing existing appropriations. It includes authority for the judicial branch to order the State Commissioner of Elections to delay certain notifications regarding the filling of judicial vacancies for budgetary reasons.
- [HOUSE FILE 809](#) - Appropriations — Administration and Regulation
SEE APPROPRIATIONS. This Act relates to and appropriates from the General Fund of the State, and from other funds, to various administrative and regulatory state departments, agencies, and funds for FY 2009-2010. The Act authorizes the Ethics and Campaign Disclosure Board to enter into an agreement with a political subdivision authorizing the board to enforce provisions of a code of ethics adopted by that political subdivision.

ELECTIONS, ETHICS, AND CAMPAIGN FINANCE

[SENATE FILE 49](#) - Campaign Finance — Miscellaneous Provisions

BY COMMITTEE ON STATE GOVERNMENT. This Act specifies that the campaign finance disclosure laws are administered by the Iowa Ethics and Campaign Disclosure Board. The Act provides that the term "contribution" includes both monetary and in-kind contributions with respect to restrictions on receipt of contributions by a candidate's committee from another candidate's committee. The Act excludes from reporting requirements an independent expenditure made by a federal committee or an out-of-state committee.

[SENATE FILE 50](#) - Compensation for Candidates and Immediate Family Members

BY COMMITTEE ON STATE GOVERNMENT. This Act prohibits a candidate from paying a salary or other compensation to the candidate or the spouse or dependent child of the candidate.

[SENATE FILE 51](#) - Campaign Finance — Electronic Filing of Statements and Reports

BY COMMITTEE ON STATE GOVERNMENT. This Act adds to the entities that are required to file disclosure statements and reports to the Iowa Ethics and Campaign Disclosure Board by 4:30 p.m. of the filing date specified in the Code. Currently, the requirement applies to a candidate's committee of a candidate for statewide office or the General Assembly which files a statement of organization on or after January 1, 2010, and to all such committees after January 1, 2012. The Act extends the requirement to include a state statutory political committee and a political committee expressly advocating for or against the nomination, election, or defeat of a candidate for statewide office or the General Assembly.

The Act takes effect May 1, 2010.

[SENATE FILE 52](#) - Ethics Regulation

BY COMMITTEE ON STATE GOVERNMENT. This Act relates to ethics regulations for the executive branch, legislative branch, and local officials and employees.

The Act eliminates a general prohibition that any person who serves or is employed by the state or a political subdivision of the state shall not engage in any outside employment or activity which is in conflict with the person's official duties and responsibilities. The Act identifies as prohibited outside employment or activities, certain outside employment and activities that are identified in the Code as examples of conflicts of interest.

The Act eliminates a requirement that persons participating in undefined unacceptable conflicts of interest must take certain courses of action, but provides that persons conducting activities or outside employment that are prohibited under rules adopted by the Ethics and Campaign Disclosure Board or under the Senate or House Codes of Ethics must take certain courses of action.

Previously, a person who served as an official, state employee of a state agency, member of the General Assembly, or legislative employee was prohibited within a period of two years after the termination of such service or employment from appearing before the agency. The Act eliminates the prohibition against appearing before the agency.

Previously, complaints regarding conduct of local officials or local employees which violated provisions included in Code Chapter 68B were filed with the county attorney. The Act provides that complaints alleging conduct of local officials or local employees which violates certain lobbying-related provisions of Code Chapter 68B shall be filed with the ethics committee of the appropriate house of the General Assembly if the conduct involves lobbying activities before the General Assembly, or with the Ethics and Campaign Disclosure Board if the conduct involves lobbying activities before the executive branch.

The Act eliminates statutory filing deadlines for financial statements of candidates for statewide office and candidates for the General Assembly. Such deadlines could be included in rules adopted by the Senate and House of Representatives and by the Ethics and Campaign Disclosure Board.

The Act includes directives to the Code Editor for the reorganization of Code Chapter 68B and the titling of Code sections in Code Chapter 68B.

SENATE FILE 436 - Satellite Absentee Voting Station Observers

BY COMMITTEE ON LOCAL GOVERNMENT. This Act requires the county commissioner of elections to notify the political parties of the date, time, and place of operation of satellite absentee voting stations in order to allow the parties to appoint observers to be present at the stations. The notification must be given at least seven days before the ballots will be available at a satellite absentee voting station. No more than two observers from each political party may be present at a satellite absentee voting station.

HOUSE FILE 450 - City Elections — Poll Opening Times

BY COMMITTEE ON STATE GOVERNMENT. This Act allows the county commissioner of elections to open the polls at noon rather than 7:00 a.m. for any city election.

HOUSE FILE 475 - Elections and Voter Registration

BY COMMITTEE ON STATE GOVERNMENT. This Act makes various changes to the Code relating to the conduct of elections, voting, and voter registration as follows:

Code Sections 2.27, 43.77, and 69.8 are amended to reflect the 1988 amendment to the Constitution of the State of Iowa requiring that the Governor and Lieutenant Governor be elected jointly and to specify that a vacancy in the office of Lieutenant Governor is to be filled by appointment by the Governor, and the appointment is for the balance of the unexpired term.

Code Section 8A.412 is amended to add professional employees under the supervision of the Secretary of State to the list of employees exempt from the merit system.

Code Section 43.4 is amended to require that the county commissioner of elections (county auditor) retain caucus records for 22 months. The Code section is further amended to require the chairperson of the county central committee, within 14 days after the date of the precinct caucus, to deliver to the county commissioner all completed voter registration forms received at the caucus. If a party committee member neglects to perform this new statutory duty relating to a precinct caucus, current law provides that it constitutes election misconduct in the third degree, a serious misdemeanor.

The Act provides that Code Chapter 39A, relating to election misconduct, is applicable to primary elections.

Code Sections 43.26 and 49.42A, which illustrate the format of the official primary and general election ballots, are repealed. New Code Sections 43.31 and 49.57A are enacted to require the State Commissioner of Elections to adopt administrative rules implementing ballot format and printing requirements.

Code Section 44.5 is amended to provide that a hearing on an objection to a nomination shall be held not later than one week after the objection is filed.

Code Section 45.1 is amended to specify signers of nomination petitions for elective offices are required to be eligible electors who reside in the applicable county or district.

Code Section 47.6 is amended to require that the text of a public measure to be submitted at election to the voters of a school district or merged area must be submitted to the county commissioner of elections no later than 5:00 p.m. on the forty-sixth day before the election.

Code Section 48A.2 is amended to specify that the voter registration form may be used to make changes in an existing registration record, in addition to being an application to register to vote.

Code Section 48A.25A is amended to comply with the federal Help America Vote Act requirement that identification numbers on all voter registration applications, not just those received by mail, be verified. If the identification information cannot be verified, the registration will be recorded as pending, and the voter will be notified that the voter must present identification before voting for the first time in the county. These requirements do not apply to election day registrants or in-person absentee registrants.

Code Section 48A.26 is amended to provide that the commissioner of registration (county auditor) shall send an acknowledgment of receipt of voter registration or a change of information in a voter registration record within 45 days of receipt of the form or change of information if the form or change of information was submitted at a precinct caucus. Code Section 48A.26 is also amended to provide that if an incomplete registration form is received by the commissioner after registration closes but by 5:00 p.m. on the Saturday before the election for primary and general elections or by 5:00 p.m. on the Friday before the election for all other elections, the commissioner shall notify the applicant of election day and in-person absentee registration procedures.

Code Section 48A.27 is amended to require the commissioner to send an acknowledgment of change of address information received from the U.S. Postal Service to the new address only. This section of the Act takes effect April 10, 2009, and applies to notices mailed on or after that date.

Code Section 48A.31, relating to purging the names of deceased persons from voter registration lists, is amended to require the county commissioner to run the state's matching program for the list of deceased persons in the month following receipt of the list from the Department of Public Health.

Code Section 48A.37, relating to electronic voter registration records, is amended to define "incomplete records" as those registration records missing information required to be included on the voter registration form. An incomplete record shall be made an active record when a completed form is provided and the information verified.

Code Section 48A.38 is amended to require the State Registrar of Voters to update voter participation information no later than 60 days after each election.

Code Section 48A.40, relating to voter registration reports required to be filed with the State Registrar by the county commissioner of registration, is repealed because the reports are no longer necessary due to implementation of the statewide voter registration system maintained by the Secretary of State.

Code Section 49.25 is amended to eliminate the requirement that voting booths be approved by the Board of Examiners for Voting Systems. Code Sections 49.25 and 49.26 are amended to remove duplicate language referring to those elections at which the commissioner may determine whether ballots will be counted by hand by election precinct officials or by automatic tabulating equipment.

Code Section 49.43 is amended to remove the requirement that ballots containing public measures shall be printed on other than white paper in those precincts using hand-counted paper ballots.

Code Section 49.53 is amended to provide that the minimum font size for published ballots shall be nine point type, rather than the current 90 percent of font size.

Code Section 49.57 is amended to remove the requirement that the words "Official ballot" be printed on the ballot in such a way as would allow them to be shown to an election official without revealing any of the marks made by the voter.

Code Section 49.77 is amended to provide that the State Commissioner of Elections (Secretary of State) shall prescribe by rule the types of identification that can be presented by a voter when the voter is unknown to the precinct election official.

Code Section 50.15A is amended to require the State Commissioner of Elections to report in the unofficial canvass the total number of ballots cast at the general election.

Code Section 50.24 is amended to require the county board of canvassers (board of supervisors), when canvassing the vote after an election, to also certify the election canvass summary report prepared by the county commissioner of elections. Code Section 50.30 is amended and new Code Section 50.30A is enacted to require the commissioner to forward the abstracts of votes and summary report to the State Commissioner of Elections within 13 days after each primary and general election.

The Act provides that Code Chapter 51, providing for double counting boards, applies to elections in which paper ballots are to be counted by hand by the precinct election officials.

Code Section 52.23 is amended to require that a copy of the printed results from each automatic tabulating device be signed by precinct election officials and attached to the precinct tally list and that the printed results shall reflect all the votes cast in the precinct.

Code Section 52.25 is amended to provide that the entire text of a public measure, including measures related to the Iowa Constitution, shall be displayed prominently in at least one place, rather than the current four places, within the voting precinct.

Code Section 52.29 is amended to conform to current law regarding the requirement that one sample ballot be posted prominently in each precinct. The Code section is also amended to provide that if an office or public measure is printed on the back of the ballot, both sides shall be displayed.

Code Section 53.2 is amended to provide that the party affiliation of a voter requesting an absentee ballot will be changed at the time the request is recorded on the registration record if the ballot requested is for a party other than the voter's current party affiliation or declaration. If a voter whose registration record indicates a party affiliation requests a primary election ballot and does not indicate a party on the ballot application, the voter shall be mailed the ballot of the party indicated on the registration record. If an absentee ballot request is received from a person who is not registered to vote, the commissioner shall send a voter registration form and another absentee ballot application form to the person, rather than sending a registration form and an absentee ballot. If the absentee ballot request of a person not registered to vote is received after registration closes but by 5:00 p.m. on the Saturday before the election for primary and general elections or by 5:00 p.m. on the Friday before the election for all other elections, the commissioner shall, by mail, notify the person of election day and in-person absentee registration procedures. The commissioner shall also attempt notification by any other method available to the commissioner. Finally, Code Section 53.2 is amended to provide that a change of name, telephone number, or address on an absentee ballot application of a voter who has moved within the county shall be used to update the voter's registration record.

Code Section 53.20 is amended to provide that for the general election, and any other election chosen at the discretion of the commissioner, in which the results of the absentee ballot and special voters precinct will be reported by resident precinct of the absentee voter, the commissioner shall prepare a separate absentee ballot style for each precinct in the county and shall program the voting system to produce reports by the resident precincts of the voters.

Code Section 53.25 is amended to specify that an insufficient absentee ballot affidavit is one that lacks the voter's signature.

Code Section 53.40, relating to an absentee ballot request from a person in the armed forces, is amended to strike the requirement that the request include information about the length of residency in the city or township, county, and state because the federal application form does not include a space for that information.

Code Section 53.53 is amended to conform to a federal court ruling that if the absentee ballot application of an overseas or military voter is not received by the commissioner, a federal absentee ballot cast by the voter and received by the commissioner is valid.

Code Sections 260C.15 and 260C.22 are amended to allow community colleges to submit the question of imposing or renewing the facilities property tax levy at the regular school election in September of the odd-numbered year or at a special election held on the second Tuesday in September of the even-numbered year.

Code Sections 275.18 and 368.19 are amended to provide that a map of a proposed school district reorganization or proposed city annexation, respectively, shall be posted prominently in one place, rather than the current four, within the precinct.

Code Section 294.8 is amended to provide that certain elections held on school pension systems shall be held at the regular school election rather than the general election.

Code Section 298.2, relating to the physical plant and equipment levy that requires voter approval, is amended to specify that an election on the levy may be called by the board of directors on its own motion.

Code Section 298.9 is amended to specify that the portion of the physical plant and equipment levy that is required to receive approval of the voters may be submitted at a special election rather than only at the regular school election. This section of the Act takes effect April 10, 2009.

Code Section 301.24 changes from 30 days to 60 days before the election the deadline for submitting a petition requesting that the proposition to distribute free textbooks in a school district be placed on the regular school election ballot.

Code Section 331.425, relating to a county special levy election, is amended to provide that the election shall be held on the first Tuesday in March, rather than the second Tuesday in March.

Code Section 372.13, relating to special elections to fill a city council vacancy, is amended to change the filing deadline for nomination petitions in cities with a primary election from 52 days before the election to 53 days before the election in order to avoid the deadline falling on a Saturday.

Code Section 373.6, relating to metropolitan consolidation charters, is amended to change the filing deadline for submission of the charter at a general election to no later than 69 days before the election, which is the same as the filing deadline for offices to be filled at the general election.

Code Section 376.4 is amended to clarify the process of city clerks accepting and reviewing candidate nomination papers filed for city office.

Code Section 384.12, relating to a city special levy election, is amended to provide that the election shall be held on the first Tuesday in March, rather than the second Tuesday in March.

Code Section 468.511, relating to drainage district trustee elections, is amended to remove language requiring an absentee voter to specify the reason that the voter is voting absentee.

The Act eliminates references in the Code to lever voting machines, which are no longer used in Iowa.

Several Code sections are amended or repealed, as appropriate, to remove references and requirements relating specifically to voting machines (i.e., direct recording electronic devices), which are no longer allowed for use in Iowa.

HOUSE FILE 670 - Counting of Absentee Ballots

BY COMMITTEE ON STATE GOVERNMENT. This Act allows the county commissioner of elections to convene the special precinct election board on the day before the general election to begin counting absentee ballots. However, if in the preceding general election the counting of absentee ballots was not completed by 10:00 p.m. on election day, the commissioner is required to convene the board on the day before the general election to begin counting absentee ballots.

HOUSE FILE 708 - Absentee Ballots — Patients or Residents of Hospitals or Health Care Facilities

BY COMMITTEE ON STATE GOVERNMENT. This Act makes changes relating to delivery of absentee ballots to applicants who are patients or residents of hospitals or health care facilities.

Under prior law, an absentee ballot applied for by a patient or resident of a hospital or health care facility was to be personally delivered sometime during the 10 days preceding the election, or on election day in some circumstances. The Act changes that time period to 14 days preceding the election and provides that, in addition to that delivery, absentee ballots applied for by patients or residents of a hospital or health care facility may also be personally delivered during the 10 days after the ballots have been printed.

The Act prohibits observers from being present when absentee ballots are delivered to a hospital or health care facility.

[HOUSE FILE 776](#) - Political Campaign Practices — False Caller Identification

BY COMMITTEE ON STATE GOVERNMENT. This Act prohibits any person from using either false caller identification information with intent to defraud for purposes related to expressly advocating the nomination, election, or defeat of a clearly identified candidate or for the passage or defeat of a clearly identified ballot issue.

The Act also prohibits using another person's identification information without that person's consent and with intent to deceive the recipient of a call. The Act applies to telephone communications made either through a traditional service provider or through the Internet.

ENERGY AND PUBLIC UTILITIES

- [SENATE FILE 279](#) - Abbreviated Electric Transmission Franchise Process
- [SENATE FILE 452](#) - Energy Efficiency Projects
- [SENATE FILE 471](#) - Energy Efficiency, Renewable Energy, and the Office of Energy Independence
- [HOUSE FILE 684](#) - Iowa Propane Education and Research Council — Miscellaneous Changes
- [HOUSE FILE 810](#) - Wind Energy — Small Innovation Zone Tax Credits

RELATED LEGISLATION

- [SENATE FILE 376](#) - Iowa Jobs Program, Bonding, Miscellaneous Appropriations and Reductions, and Other Miscellaneous Changes
SEE ECONOMIC DEVELOPMENT. This Act creates an Iowa Jobs Program, an Iowa Jobs Board, and an Iowa Jobs Fund; authorizes the issuance of bonds including tax-exempt bonds; and makes and revises appropriations. Division VI of the Act provides that a gas or electric utility that is not required to be rate-regulated shall be eligible for a loan under the Alternate Energy Revolving Loan Program under certain circumstances; however, such loans shall be limited to a maximum of \$500,000 per applicant and shall be limited to one loan every two years. The Act takes effect May 14, 2009.
- [SENATE FILE 423](#) - Dispensing of Ethanol Blended Gasoline
SEE AGRICULTURE. This Act allows a retail dealer of motor fuel to use infrastructure with secondary containment to dispense ethanol blended gasoline containing a high ethanol content (above E-10 and including E-85).
- [SENATE FILE 456](#) - Wind and Renewable Energy Tax Credit Eligibility
SEE TAXATION. This Act modifies eligibility requirements applicable to the wind energy production tax credit and the renewable energy tax credit.
- [SENATE FILE 478](#) - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act makes, reduces, and transfers appropriations; provides salaries and compensation of state employees; and covers other properly related matters. Division VIII allows the Utilities Board to establish a pilot project for a wind energy production tax credit. Division XXIII relates to city franchise fees and city utilities.
- [SENATE FILE 482](#) - Volunteer Service Programs
SEE LABOR AND EMPLOYMENT. This Act relates to youth employment programs administered by the Commission on Volunteer Service by establishing the Iowa Summer Youth Corps and Green Corps programs. The Green Corps Program is a collaborative effort which includes the Utilities Board and may involve energy efficiency projects. Provisions establishing the programs take effect May 26, 2009.
- [HOUSE FILE 414](#) - Appropriation Reductions, Transfers, and Supplementals
SEE APPROPRIATIONS. This Act primarily relates to public funding and regulatory matters for FY 2008-2009 by revising and supplementing existing appropriations. It includes a supplemental appropriation for the Utilities Division of the Department of Commerce to restore a uniform reduction in appropriations made by the Governor under Executive Order Number 10 issued on December 22, 2008.
- [HOUSE FILE 820](#) - Federal Block Grant Appropriations and Other Federal Funding
SEE APPROPRIATIONS. This Act appropriates federal block grant, federal American Recovery and Reinvestment Act of 2009, and other nonstate moneys to state agencies

for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, and for the state fiscal year beginning July 1, 2009, and ending June 30, 2010. The Act includes funding for the Low-Income Home Energy Assistance Program, known as LIHEAP.

ENERGY AND PUBLIC UTILITIES

[SENATE FILE 279](#) - **Abbreviated Electric Transmission Franchise Process**

BY COMMITTEE ON COMMERCE. This Act establishes an expedited or abbreviated electric transmission franchise approval process under specified circumstances.

If an existing transmission line, wire, or cable is operating at 34.5 kilovolts, it may be franchised, rebuilt, and upgraded to 69 kilovolts using a franchise process which eliminates public notice and public informational meeting requirements otherwise applicable under Code Chapter 478. Utilization of the expedited process is conditioned upon the upgraded line meeting required safety standards, being on substantially the same right-of-way, and having substantially the same effect on the underlying properties. The Iowa Utilities Board may adopt rules defining relevant terms, setting forth the steps of the abbreviated process, and specifying the requirements for the petition and landowner notification. The franchise may be granted if the board finds the upgraded line is necessary to serve a public use and represents a reasonable relationship to an overall plan of transmitting electricity in the public interest, and that it will not become effective until the petitioner has paid, or agreed to pay, all costs and expenses of the franchise proceeding.

The Act takes effect April 17, 2009.

[SENATE FILE 452](#) - **Energy Efficiency Projects**

[Fiscal Analysis](#)

BY COMMITTEE ON APPROPRIATIONS. This Act directs the Office of Energy Independence to establish a community grant program for energy efficiency projects. Grant awards pursuant to the program would vary between \$1,000 and \$50,000, and eligibility and approval criteria shall be established by the Iowa Power Fund Board by rule, including criteria specified with reference to the Energy City Designation Program in Code Section 473.41. The Act provides a nonexclusive list of possible eligible projects, and states that projects subject to a grant award shall encourage partnerships between public and private sector groups, and develop collaboration and community involvement in energy efficiency efforts. The office is required to utilize 4 percent of the amount annually appropriated to the office during the fiscal period beginning July 1, 2009, and ending June 30, 2011, for purposes of funding the program, and out of that amount the office may utilize up to \$50,000 for administrative costs.

Applicants for the program may include cities, counties, nonprofit organizations, organizations involved with energy efficiency or conservation efforts, and environmental organizations or groups. An applicant must document the ability to provide matching funds of at least 50 percent in either cash or kind. Approved grants shall be awarded within three months following submission of an application.

The office is directed to prepare and submit to the Iowa Power Fund Board an annual report summarizing the operation of the programs.

[SENATE FILE 471](#) - **Energy Efficiency, Renewable Energy, and the Office of Energy Independence**

[Fiscal Analysis](#)

BY COMMITTEE ON APPROPRIATIONS. This Act transfers authority over specified energy-related measures and programs from the Department of Natural Resources (DNR) to the Office of Energy Independence.

References to the "department" are changed to the "office" throughout Code Chapter 470 relating to life cycle cost analyses of public facilities, and Code Chapter 473, which contains provisions relating to the development of policies and programs that promote energy efficiency, alternative and renewable energy, and energy management improvement financing. Similar reference changes are made with regard to approving engineering firms for performance of comprehensive engineering analyses done on a building in which a state agency seeks to improve energy efficiency pursuant to Code Section 7D.34, developing standards and methods to evaluate design development and construction documents based on life cycle cost factors in relation to design proposals submitted pursuant to Code Section 72.5, and coordinating with other state agencies regarding implementation of the Office of Renewable Fuels and Coproducts pursuant to Code Section 159A.3, serving on the Renewable Fuels and Coproducts Advisory Committee, and assisting in providing technical assistance to new or existing renewable fuel production facilities. Additional transfers of authority include

appointing a representative to serve on the Iowa Energy Center Advisory Council established in Code Section 266.39C, making available energy efficiency-related continuing education courses pursuant to Code Section 272C.2, receiving results relating to energy audits from school districts and performing related functions pursuant to Code Section 279.44, and determining whether special hardship criteria have been demonstrated regarding franchise alternative fuel purchases pursuant to Code Section 323A.2.

An additional duty given the Director of the Office of Energy Independence is to assist Iowa businesses in creating jobs involving energy efficiency and renewable energy, especially through the use of funds from the federal American Recovery and Reinvestment Act of 2009 (ARRA) and other state and federal funds available to the office and the Iowa Power Fund Board. Also, the eligibility criteria for grants or loans made from the fund, as specified in Code Section 469.9, are expanded to include consideration of the number and quality of jobs likely to be created pursuant to an application. With reference to transferred authority for specified duties of the DNR in Code Section 473.7, the Act deletes the ability to issue a subpoena and related authority regarding the obtaining of information formerly required to be submitted to DNR, and deletes authority to evaluate and submit recommendations regarding whether additional state regulatory authority regarding energy development, utilization, and conservation is needed. Provisions are modified which had previously directed DNR to conduct a study on global climate change, to provide that the office shall conduct a climate change impacts review, in conjunction with institutions under the control of the State Board of Regents, and submit a report to the Governor and the General Assembly by January 1, 2011.

Additionally, the Act provides that the director of the office may use funds received pursuant to ARRA to employ personnel necessary to administer the federal Act, that these positions will be eliminated if the federal funding is eliminated unless another source of federal funding is available, and that federal funding other than pursuant to the federal Act may be utilized to employ personnel necessary to administer any other program or funds assigned to the office, including employing employees transferred from DNR. The director is required to minimize the costs of administering the funds received pursuant to the federal Act, and is prohibited from expending annually more than 5 percent of those funds for administrative purposes, or less if stipulated pursuant to the federal Act.

The Act provides for an allocation of up to \$1 million annually from amounts appropriated to the office to the Department of Economic Development to fund research activities credits relating to innovative renewable energy generation components pursuant to Code Section 15.335.

The names of the Energy Bank Program and the Energy Bank Fund are changed to Building Energy Management Program and Building Energy Management Fund, respectively.

The Act contains transition provisions regarding the transfer of moneys retained in an account or fund under the control of DNR to a comparable fund or account of the office; regarding the continuation of any license, permit, or contract issued or entered into by DNR pending transfer and assignment to the office; and regarding the continuation of any rule, regulation, form, order, or directive promulgated by DNR relative to the provisions of the Act until emergency rules are promulgated by the office.

The Act takes effect May 18, 2009.

[HOUSE FILE 684](#) - Iowa Propane Education and Research Council — Miscellaneous Changes

BY COMMITTEE ON COMMERCE. This Act modifies the membership of the Iowa Propane Education and Research Council. Current law provides for nine members of the council representing retail propane marketers; and one public member of the council who represents a significant user of propane, a public safety official, a state regulatory official, or another group knowledgeable about propane. The Act deletes references to a public member, instead providing that the 10th member shall be the Administrator of the Division of Community Action Agencies of the Department of Human Rights. The Act also changes the individual responsible for appointing members to the council, other than the administrator, from the Governor to the State Fire Marshal.

The Act authorizes the council to develop energy efficiency programs dedicated to weatherization, acquisition, and installation of energy-efficiency customer appliances that qualify for energy star certification, installation of low-flow faucets and showerheads, and energy efficiency education. The council is also authorized to establish by rule quality standards relating to weatherization and appliance installation. The existing annual report summarizing the activities of the council shall include a summary of energy efficiency programs, if developed by the council.

HOUSE FILE 810 - Wind Energy — Small Innovation Zone Tax Credits

BY COMMITTEE ON WAYS AND MEANS. This Act establishes a Small Wind Innovation Zone Program, to be administered by the Utilities Division of the Department of Commerce, with the objective to optimize local, regional, and state benefits from wind energy and to facilitate and expedite interconnection of small wind energy systems with electric utilities throughout this state. Pursuant to the program, an owner of a small wind energy system located within a small wind innovation zone desiring to interconnect with an electric utility shall benefit from a streamlined application process, may utilize a model interconnection agreement, and can qualify under a model ordinance.

The Act defines a "small wind energy system" as a wind energy conversion system that collects and converts wind into energy to generate electricity which has a nameplate generating capacity of 100 kilowatts or less. The Act defines a "small wind innovation zone" as a political subdivision of this state, including but not limited to a city; county; township; school district; community college; area education agency; institution under the control of the State Board of Regents; or any other local commission, association, or tribal council which adopts, or is encompassed within a local government which adopts, a model ordinance.

A model ordinance applicable to small wind innovation zones shall be developed by specified associations and entities. A local government adopting the model ordinance is required to establish an expedited approval process with regard to small wind energy systems in compliance with the ordinance, or to modify preexisting zoning provisions or restrictions which differ from the model ordinance to conform with the model ordinance prior to the granting of board approval for a political subdivision to qualify as a small wind innovation zone.

The Act directs the Iowa Utilities Board to develop a model interconnection agreement by June 1, 2010, for utilization within a small wind innovation zone by the owner of a small wind energy system seeking to interconnect with an electric utility. The Act further directs the board to establish by rule procedures for modification of the model interconnection agreement upon mutually agreeable terms and conditions in unique or unusual circumstances, subject to board approval. Electric utilities are directed to consider adopting the model agreement.

The owners of a small wind energy system operating within a small wind innovation zone shall qualify for the renewable energy tax credit provided in Code Chapter 476C.

The Act takes effect May 22, 2009, and applies retroactively to tax years beginning on or after January 1, 2009.

ENVIRONMENTAL PROTECTION

- [SENATE FILE 268](#) - Local Watershed Improvement Grants — Extensions
- [SENATE FILE 328](#) - Hazardous Substance Cleanup — Costs and Reimbursement
- [SENATE FILE 339](#) - Water and Wastewater Treatment
- [HOUSE FILE 281](#) - Iowa Water Pollution Control Works and Drinking Water Facilities Financing Program
- [HOUSE FILE 468](#) - Unsewered Community Revolving Loan Program
- [HOUSE FILE 826](#) - Recycling Planning Task Force

RELATED LEGISLATION

- [SENATE FILE 423](#) - Dispensing of Ethanol Blended Gasoline
SEE AGRICULTURE. This Act allows a retail dealer of motor fuel to use infrastructure with secondary containment to dispense ethanol blended gasoline containing a high ethanol content (above E-10 and including E-85).
- [SENATE FILE 430](#) - Statutory Boards, Commissions, Councils, and Committees — Legislative Appointments
SEE STATE GOVERNMENT. This Act relates to appointments to statutory boards, commissions, and councils that involve the General Assembly and includes a revision in the legislative appointments to the Compliance Advisory Panel for the federal Clean Air Act.
- [SENATE FILE 432](#) - Regulation of Animal Feeding Operations
SEE AGRICULTURE. This Act provides for the regulation of animal feeding operations by the Department of Natural Resources, including the storage and application of manure originating from confinement feeding operations; regulates the application of liquid manure on snow covered ground or frozen ground, unless under emergency circumstances, the liquid manure originates from a small animal feeding operation, or the liquid manure is injected or incorporated on the same day; and regulates dry bedded confinement feeding operations, including by providing for construction requirements, dry bedded manure control including separation distance requirements, and enforcement and penalties.
- [SENATE FILE 437](#) - Local Government — Public Records and Meetings — Pioneer Cemeteries
SEE LOCAL GOVERNMENT. This Act, in part, increases the maximum number of burials in a cemetery from 6 to 12 conducted within the preceding 50 years to be classified as a pioneer cemetery. A pioneer cemetery is not subject to separation distance requirements otherwise benefiting cemeteries in proximity to a confinement feeding operation (Code Section 459.202).
- [SENATE FILE 449](#) - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities in provisions relating to the Renewable Fuels and Coproducts Advisory Committee; agrichemical remediation; drainage districts; commercial pesticide applicators; unlawful disposal of pollutants and hazardous substances; Leaking Underground Petroleum Storage Tank Fund Board reporting; and judicial review of actions of the Environmental Protection Commission.
- [SENATE FILE 457](#) - Disaster Recovery and Remediation — Expenditures — Financing
SEE LOCAL GOVERNMENT. Division II of this Act provides that moneys received under the federal American Recovery and Reinvestment Act of 2009, and deposited in the revolving loan funds created under Code Section 455B.295, relating to clean water

projects, may be used in any manner permitted or required by applicable federal law. Division II of the Act takes effect May 12, 2009.

[SENATE FILE 467](#)

- Appropriations — Agriculture and Natural Resources
SEE APPROPRIATIONS. This Act relates to agriculture and natural resources by making appropriations for FY 2009-2010 to support related entities, including the Department of Natural Resources. The Act appropriates moneys to the department to support the department's administration, regulation efforts, and a wide variety of programs; and especially for water and air quality and public lands and waters; and provides moneys to support specific programs or projects administered by the department from a number of sources, including the General Fund of the State, the Fish and Game Protection Fund, the Groundwater Protection Fund, and the Environment First Fund. The Act provides a standing limited appropriation to the department from the National Pollutant Discharge Elimination System Permit Fund to support the processing of applications and issuance of permits. The Act provides property served by a private sewage disposal system may be transferred in certain circumstances notwithstanding requirements that such a system must be inspected by a certified inspector. It also delays the effective date of the inspection requirement.

[SENATE FILE 478](#)

- State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act makes, reduces, and transfers appropriations; provides salaries and compensation of state employees; and covers other properly related matters. Division VIII allows counties to be eligible for local watershed improvement grants.

[H.J.R. 1](#)

- Proposed Constitutional Amendment — Natural Resources and Outdoor Recreation Trust Fund
SEE NATURAL RESOURCES AND OUTDOOR RECREATION. This Joint Resolution proposes an amendment to the Constitution of the State of Iowa to dedicate a portion of state sales and service tax revenue for the benefit of water quality, natural areas, and agricultural soils in this state.

[HOUSE FILE 314](#)

- Regulation of Miscellaneous Public Health-Related Activities
SEE HEALTH AND SAFETY. This Act relates to health-related activities and regulation by the Department of Public Health and includes provisions requiring training and certification of persons to perform lead-safe renovations in child-occupied facilities and certain other facilities and also expands the types of incidents that can be addressed by a public health response team to include both natural and man-made occurrences.

[HOUSE FILE 735](#)

- Confinement Feeding Operations — Stockpiling Dry Manure
SEE AGRICULTURE. This Act regulates the storing of dry manure outside a manure storage structure that originates from a confinement feeding operation, including by providing for the location of stockpiles to protect air and water quality, and to provide for structures or barriers on different terrains. The Act takes effect April 2, 2009.

[HOUSE FILE 756](#)

- Watershed, Land Use, and Floodplain Management
SEE NATURAL RESOURCES AND OUTDOOR RECREATION. This Act provides for regional watershed, land use, and floodplain management policies, by in part establishing a Mississippi River Partnership Council to promote the preservation, enhancement, and intelligent use of the Mississippi River; providing that the Department of Natural Resources' authority to control floodplains does not limit the authority of a city or county to adopt an ordinance regulating a junkyard located within a 500-year floodplain; and providing for the management of watersheds by the Watershed Improvement Review Board and the Water Resources Coordinating Council.

ENVIRONMENTAL PROTECTION

[SENATE FILE 268](#) - Local Watershed Improvement Grants — Extensions

BY COMMITTEE ON AGRICULTURE. This Act amends Code Chapter 466A, which provides for a Watershed Improvement Fund to enhance water quality in the state through a variety of impairment-based, locally directed watershed improvement grant projects. The fund is administered by a Watershed Improvement Review Board, which awards grants to support local watershed improvement projects.

The Act increases the period of use for such awards from three to five years and provides that during those five years, the board may extend the period of use for an additional five years.

[SENATE FILE 328](#) - Hazardous Substance Cleanup — Costs and Reimbursement

BY COMMITTEE ON ENVIRONMENT AND ENERGY INDEPENDENCE. This Act relates to the reimbursement of hazardous substance cleanup costs.

A person having control over a hazardous substance is strictly liable to the state or a political subdivision of the state for various costs incurred by and damages to the state or a political subdivision associated with a hazardous condition. Claims shall be made by a state agency or political subdivision for costs or damages incurred and the claims are subject to administrative and judicial review. If administrative or judicial review is sought, a political subdivision making a claim shall submit an advisory request to the Department of Natural Resources (DNR) to determine whether the cleanup actions serving as the basis for the cleanup costs were consistent with Code Chapter 455B, which provides for the jurisdiction of the DNR.

Money collected by the DNR shall be deposited in the Hazardous Waste Remedial Fund. Moneys collected by a state agency other than the DNR are appropriated to that agency for purposes of reimbursing costs of the agency for emergency response activities related to the hazardous condition. Moneys collected by a political subdivision shall be retained by the political subdivision and shall be used for purposes of reimbursing costs of the political subdivision for emergency response activities related to the hazardous condition.

[SENATE FILE 339](#) - Water and Wastewater Treatment

BY COMMITTEE ON ENVIRONMENT AND ENERGY INDEPENDENCE. This Act relates to wastewater treatment.

Division I — Wastewater Treatment Financial Assistance Program

Division I of the Act amends the Wastewater Treatment Financial Assistance Program administered by the Iowa Finance Authority. The division provides that one of the goals of the program shall be to base awards on the impact of the grant combined with other sources of financing to ensure that sewer rates do not exceed 1 and 1/2 percent of a community's median household income. The division eliminates a restriction that communities with a population of 3,000 or more do not qualify for financial assistance under the program. Priority under the program shall be given to communities that employ an alternative wastewater treatment technology and to communities where sewer rates are the highest as a percentage of that community's household income. The division eliminates local match requirements. Grants shall be provided on an annual basis, and are limited to not more than \$500,000 per applicant.

The division creates a new wastewater viability assessment process. The division requires the authority, in cooperation with the Department of Natural Resources (DNR) and the Department of Economic Development, to require the use of a wastewater viability assessment for any wastewater treatment facility seeking a grant under the Wastewater Treatment Financial Assistance Program. A wastewater viability assessment shall determine the long-term operational and financial capacity of the facility and its ratepayers. The division requires the authority to develop minimum criteria for eligibility based on the viability assessment and, in cooperation with the department, to develop the wastewater viability assessment.

Division II — Sponsored Projects

Division II of the Act adds qualified water resource restoration projects to the types of projects for which a city may carry out, borrow money, and issue revenue bonds. A qualified water resource restoration project means

the acquisition of real property or improvements or other activity or undertaking that will assist in improving the quality of the water in the watershed where a city water or wastewater utility is located. The division allows the governing body of a city water or wastewater utility to enter into an agreement with a qualified entity to use proceeds from revenue bonds for a water resource restoration project if certain criteria are met.

The division creates a Water Resource Restoration Sponsor Program to be administered by the DNR for purposes of assisting in enhancing water quality in the state through the provision of financial assistance to communities for a variety of impairment-based, locally directed watershed projects. Moneys in the Water Pollution Control Works Revolving Loan Fund and the Drinking Water Facilities Revolving Loan Fund shall be used for the Water Resource Restoration Sponsor Program. A project must be compatible with the goals of the program, must include application of best management practices for the primary purpose of the water quality protection and improvement, and may include certain types of projects. The division requires a sponsor project to be approved by the department and a resolution by the city council must be approved and included as part of the application.

Division III — Permitting — Variances — Alternative Wastewater Treatment Technologies

Division III of the Act relates to permitting, variances, and alternative wastewater treatment technologies.

The DNR may allow schedules of compliance to be included in permits whenever authorized by federal law. The schedules shall be established to maximize benefits and minimize local financial impact while improving water quality, where such opportunities arise. Unless otherwise restricted, the department may allow compliance schedules of up to 30 years in national pollutant discharge elimination system permits, particularly where costs of compliance with federal program mandates will adversely impact the construction of other necessary local capital improvement projects.

The department may provide for a variance of water quality regulations when it determines that such regulations affect a disadvantaged community. The division provides criteria under which the department must find that a regulated entity and the affected community are a disadvantaged community. The criteria must be used to determine the appropriate interest rates for loans awarded from certain revolving loan funds and to determine eligibility for water or sewer community development block grants.

The division requires the department to produce and publish design guidance documents for alternative wastewater treatment technologies. The guidance documents shall be intended to encourage regulated entities to use such technologies and to assist design engineers with the submission of projects employing alternative wastewater treatment technologies that can be readily approved by the department.

The division eliminates provisions from Code Section 455B.176A relating to the use of alternative technology systems to meet water quality standards and provisions relating to consideration of substantial and widespread economic and social impacts of a water use designation.

Division IV — Sanitary Districts

Division IV of the Act relates to sanitary districts. The division prohibits a board of trustees from regulating, restricting the use, or requiring the connection of a private sewage disposal facility previously approved by the county board of health without prior approval of that board of health. The division takes effect April 20, 2009.

[HOUSE FILE 281](#) - Iowa Water Pollution Control Works and Drinking Water Facilities Financing Program

BY COMMITTEE ON ECONOMIC GROWTH. This Act relates to the administration of the Iowa Water Pollution Control Works and Drinking Water Facilities Financing Program.

The Iowa Water Pollution Control Works and Drinking Water Facilities Financing Program is jointly administered by the Iowa Finance Authority and the Department of Natural Resources. The Act modifies the allocation of duties and responsibilities of the authority and department under the program. The Act adds provisions in

Code Chapter 16 that are currently only in Code Chapter 455B relating to definitions and establishment and maintenance of funds and accounts under the program.

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

The Act eliminates specific references to funds under the program and provides general provisions relating to the creation of funds and accounts under the program.

Moneys appropriated to the department and the authority for purposes of paying the administration costs and expenses shall be administered as determined by the department and the authority.

[HOUSE FILE 468](#) - Unsewered Community Revolving Loan Program

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act requires the Iowa Finance Authority to establish and administer an Unsewered Community Revolving Loan Program, and creates an Unsewered Community Revolving Loan Fund. Moneys in the fund shall be used to provide assistance under the program. Assistance shall consist of no-interest loans, with a term not to exceed 40 years, which shall be used for purposes of installing sewage disposal systems in a city without a sewage disposal system or in an area where a cluster of homes is located. An unsewered community may apply for assistance under the program. The authority shall encourage the use of innovative, cost-effective sewage disposal systems and technologies.

[HOUSE FILE 826](#) - Recycling Planning Task Force

BY COMMITTEE ON WAYS AND MEANS. This Act requires the Governor to appoint the voting members of the Comprehensive Recycling Planning Task Force from persons nominated by certain associations. Previously, the voting members were selected by various private entities. The Act adds six new members to the task force.

The task force was required to submit a written report to the Governor and the General Assembly by January 1, 2009, and was to be dissolved by January 1, 2009. The Act changes both dates to January 1, 2010. The Act adds the proper disposal of household-generated medical sharps as a topic for which the task force may make recommendations.

GAMING

- [SENATE FILE 305](#) - Audits of Part-Mutuel Wagering or Gambling Operations

RELATED LEGISLATION

- [SENATE FILE 376](#) - Iowa Jobs Program, Bonding, Miscellaneous Appropriations and Reductions, and Other Miscellaneous Changes
SEE ECONOMIC DEVELOPMENT. This Act creates an Iowa Jobs Program, an Iowa Jobs Board, and an Iowa Jobs Fund; authorizes the issuance of bonds including tax-exempt bonds; and makes and revises appropriations. Division VI of the Act makes changes to Code Section 8.57 relating to the distribution of wagering tax allocations for purposes of pledging a revenue stream for the new revenue bonds issued under the Act. The Act takes effect May 14, 2009.
- [SENATE FILE 380](#) - Public Safety — Gambling and Gaming Restrictions, Interception of Communications, and Peace Officer Activities
SEE CRIMINAL LAW, PROCEDURE, AND CORRECTIONS. This Act creates a state criminal offense prohibiting a person under 21 years of age from entering or attempting to enter the gaming floor or wagering area of a facility licensed under Code Chapter 99D to operate gambling games.
- [SENATE FILE 478](#) - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act makes, reduces, and transfers appropriations; provides salaries and compensation of state employees; and covers other properly related matters. Division VIII increases the maximum permissible merchandise value for prizes awarded by an electrical or mechanical amusement device.
- [HOUSE FILE 414](#) - Appropriation Reductions, Transfers, and Supplementals
SEE APPROPRIATIONS. This Act primarily relates to public funding and regulatory matters for FY 2008-2009 by revising and supplementing existing appropriations. It includes a supplemental appropriation for the Racing and Gaming Commission to restore a uniform reduction in appropriations made by the Governor under Executive Order Number 10 issued on December 22, 2008.
- [HOUSE FILE 809](#) - Appropriations — Administration and Regulation
SEE APPROPRIATIONS. This Act relates to and appropriates from the General Fund of the State, and from other funds, to various administrative and regulatory state departments, agencies, and funds for FY 2009-2010. The Act allows a fair or community festival of no more than four days in length, to conduct bingo for each day of the fair or festival if the sponsor of the event approves and a \$50 license fee is paid.
- [HOUSE FILE 811](#) - Appropriations — Health and Human Services
SEE APPROPRIATIONS. This Act relates to and makes appropriations for health and human services for FY 2009-2010, and includes funding for gambling treatment. It requires the Department of Public Health to continue implementing a process to create a system for delivery of gambling, and substance abuse treatment, including joint licensure of such treatment programs, and eliminates the Gambling Treatment Fund as a separate funding source for gambling treatment and instead credits these revenues to the General Fund of the State.

GAMING

[SENATE FILE 305](#) - Audits of Pari-Mutuel Wagering or Gambling Operations

BY COMMITTEE ON STATE GOVERNMENT. This Act provides that a licensee to conduct pari-mutuel wagering shall transmit to the Racing and Gaming Commission an audit of the financial transactions and condition of the licensee's operations 90 days after the end of each calendar year, instead of 90 days after the end of each race meeting.

The Act takes effect March 25, 2009.

HEALTH AND SAFETY

- [SENATE FILE 154](#) - E911 and 911 Services — Use of Local Exchange Service Subscriber Information
- [SENATE FILE 203](#) - Medical Assistance Program and Veterans Benefits — Tenants of Assisted Living Programs
- [SENATE FILE 377](#) - Prescription Drug Donation Repository Program
- [SENATE FILE 389](#) - Health Care — Services, Providers, and Insurance
- [SENATE FILE 433](#) - Inspection and Assessment of Health Care Facilities and Assisted Living Programs
- [SENATE FILE 440](#) - Prescription Drug Coverage for Veterans in Health Care Facilities
- [SENATE FILE 476](#) - Nursing Facilities — Quality Assurance Assessments and Provider Reimbursements
- [SENATE FILE 484](#) - Boarding Home Regulation and Protection of Dependent Adults
- [HOUSE FILE 122](#) - Controlled and Precursor Substance Regulation and Reporting
- [HOUSE FILE 314](#) - Regulation of Miscellaneous Public Health-Related Activities
- [HOUSE FILE 381](#) - Practice of Pharmacy and Internet Site Terminology
- [HOUSE FILE 400](#) - Licensing of Fire Protection Systems Installers and Maintenance Workers
- [HOUSE FILE 488](#) - Assistive or Service Animals

RELATED LEGISLATION

- [SENATE FILE 101](#) - Shaken Baby Syndrome Prevention Program
SEE CHILDREN AND YOUTH. This Act establishes a Shaken Baby Syndrome Prevention Program in the Department of Public Health.
- [SENATE FILE 108](#) - Public Safety Statewide Interoperable Communications System Board Membership
SEE STATE GOVERNMENT. This Act revises the membership of the Public Safety Communications Interoperability Board under the Department of Public Safety by adding four legislators as ex officio, nonvoting members and requiring the two fire fighter voting member slots to be filled by a volunteer fire fighter and a paid fire fighter.
- [SENATE FILE 224](#) - Regulation of Plumbers, Mechanical Professionals, and Contractors
SEE STATE GOVERNMENT. This Act contains several revisions to the 2007 legislation providing for the licensing and regulation of plumbers and mechanical professionals.
- [SENATE FILE 237](#) - Pseudoephedrine Product Sales
SEE STATE GOVERNMENT. This Act relates to the sale of a pseudoephedrine product by a pharmacy or retailer. The Act establishes a statewide real-time central repository in the Governor's Office of Drug Control Policy to track the sale of pseudoephedrine products at pharmacies, and establishes a Pseudoephedrine Advisory Committee to provide input and advise the Governor's Office of Drug Control Policy regarding the implementation and maintenance of the statewide real-time central repository. Certain provisions establishing the statewide real-time central repository do not take effect unless sufficient funding is received to implement and maintain the central repository.
- [SENATE FILE 339](#) - Water and Wastewater Treatment
SEE ENVIRONMENTAL PROTECTION. This Act relates to wastewater treatment.
- [SENATE FILE 405](#) - Disposal of Animal Bodies
SEE AGRICULTURE. This Act amends provisions regulating the disposition of dead animals, including the manner and timing of the disposition by disposal plants or

persons who own or care for animals, with exceptions provided for veterinarians, and makes penalties applicable.

[SENATE FILE 407](#)

- Iowa Veterans Home — Member Rights and Responsibilities
SEE PUBLIC DEFENSE AND VETERANS. This Act provides for the involuntary discharge of a resident of the Iowa Veterans Home by the commandant under specified circumstances and requires the Commission of Veterans Affairs to adopt rules to enforce the provisions. Any involuntary discharge under the Act must comply with the rules adopted by the commission and by the Department of Inspections and Appeals under Code Chapter 135C, which regulates health care facilities.

[SENATE FILE 449](#)

- Substantive Code Corrections
SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities in provisions relating to the State Fire and Emergency Response Council membership; civil commitment of chronic substance abusers, and mentally ill or mentally retarded persons; regulation of health care professions; regulation of tattooing establishments; criminal history checks on health care facility personnel, domestic and sexual violence center personnel, and teachers; inspections of food establishments and processing plants; transportation and disposition of human remains; the Commission on Tobacco Use Prevention and Control; foundlings; farmers' market nutrition programs; standards for frozen desserts, oleomargarine, and the storage and handling of anhydrous ammonia; assistive devices; protection and care of children and dependent adults; informational notices for victims of abuse; child-placing agencies; medical assistance; child support; feticide; regulation of controlled substances; local boards of health; and domestic violence.

[HOUSE FILE 260](#)

- County, City, and Memorial Hospital Operations and Administration
SEE LOCAL GOVERNMENT. This Act makes changes to provisions relating to the management and operation of memorial hospitals, county hospitals, city hospitals, and city health care facilities.

[HOUSE FILE 311](#)

- Insurance Coverage for Prosthetic Devices
SEE BUSINESS, BANKING, AND INSURANCE. This Act requires health coverage benefits for medically necessary prosthetic devices that, at a minimum, equal the coverage and payment for such devices provided under the most recent federal laws for health insurance for the aged and disabled in specified classes of individual and group third-party payment provider contracts, policies, or plans that are delivered, issued for delivery, continued, or renewed in this state on or after July 1, 2009.

[HOUSE FILE 380](#)

- Public Health — Miscellaneous Changes
SEE STATE GOVERNMENT. This Act relates to the administration of programs under the Department of Public Health and increases a penalty.

[HOUSE FILE 414](#)

- Appropriation Reductions, Transfers, and Supplementals
SEE APPROPRIATIONS. This Act primarily relates to public funding and regulatory matters for FY 2008-2009 by revising and supplementing existing appropriations. It includes a supplemental appropriation for the Department of Public Health for purposes of infectious disease control to restore a uniform reduction in appropriations made by the Governor under Executive Order Number 10 issued on December 22, 2008.

[HOUSE FILE 478](#)

- Insurance Coverage for Diabetes Self-Management and Education
SEE BUSINESS, BANKING, AND INSURANCE. This Act amends Code Section 514C.18 concerning health coverage benefits for outpatient diabetes self-management to

require coverage of additional initial and follow-up training in specified classes of individual and group third-party payment provider contracts, policies, or plans that are delivered, issued for delivery, continued, or renewed in this state on or after July 1, 2009. The Act takes effect May 22, 2009.

[HOUSE FILE 505](#)

- Iowa Veterans Home Volunteers — Record Checks
SEE PUBLIC DEFENSE AND VETERANS. This Act requires criminal history and dependent adult and child abuse record checks for persons who are prospective or current volunteers for a position having direct individual contact with patients or residents of the Iowa Veterans Home.

[HOUSE FILE 705](#)

- Safe Room and Storm Shelter Standards
SEE STATE GOVERNMENT. This Act requires the State Building Code Commissioner to adopt rules specifying standards and requirements for the design and construction of safe rooms and storm shelters.

[HOUSE FILE 811](#)

- Appropriations — Health and Human Services
SEE APPROPRIATIONS. This Act relates to and makes appropriations for health and human services for FY 2009-2010 and includes numerous provisions involving health agencies, health programs, health care coverage, and health regulation. The Act also includes provisions combining hepatitis programs, enacting the Iowa Public Health Modernization Act, addressing cosmetology testing information, and providing for review of the electronic exchange of individually identifiable health information.

[HOUSE FILE 820](#)

- Federal Block Grant Appropriations and Other Federal Funding
SEE APPROPRIATIONS. This Act appropriates federal block grant, federal American Recovery and Reinvestment Act of 2009 (ARRA), and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, and for the state fiscal year beginning July 1, 2009, and ending June 30, 2010. The Act includes funding for maternal and child health, preventive health and health services, substance abuse programs, low-income energy assistance, mental health, child care, social services, and other health and human services-related programs. ARRA funding is appropriated for the Medical Assistance (Medicaid) and hawk-i programs and for various other health and safety purposes in S.F. 389.

[HOUSE FILE 826](#)

- Recycling Planning Task Force
SEE ENVIRONMENTAL PROTECTION. This Act relates to the Comprehensive Recycling Planning Task Force.

HEALTH AND SAFETY

SENATE FILE 154 - **E911 and 911 Services — Use of Local Exchange Service Subscriber Information**
BY COMMITTEE ON JUDICIARY. This Act concerns the authorized use of local exchange service information provided by a local exchange service provider.

Current law provides that an E911 program manager, joint E911 service board, designated E911 service provider, and a public safety answering point, their agents, employees, and assigns, shall use local exchange service information provided by the local exchange service provider solely for the purposes of providing E911 emergency telephone service. Otherwise, current law provides that such information shall be kept confidential.

The Act modifies this provision to permit local exchange service information to be utilized by such individuals or entities to provide 911 call alert services related to the provision of E911 emergency telephone service. The related 911 call alert services would be provided to a subscriber utilizing only that subscriber's information and with the subscriber's consent.

SENATE FILE 203 - **Medical Assistance Program and Veterans Benefits — Tenants of Assisted Living Programs**

BY COMMITTEE ON HUMAN RESOURCES. This Act requires assisted living programs that receive reimbursement through the Medical Assistance (Medicaid) Program to assist the Department of Veterans Affairs in identifying, upon admission of a tenant, and for tenants already residing in the assisted living program on July 1, 2009, the tenant's eligibility for benefits through the U.S. Department of Veterans Affairs. The Department of Inspections and Appeals, in cooperation with the Department of Human Services, is directed to adopt rules to administer the Act including rules to ensure that if the tenant is eligible for veterans benefits or other third-party payor benefits, the payor of last resort for reimbursement to the assisted living program is the Medicaid program. The rules shall also require the assisted living program to request information from a tenant or the tenant's personal representative regarding the tenant's veteran status and to report to the Department of Veterans Affairs only the names of tenants identified as potential veterans along with the names of their spouses and any dependents. The information submitted is to be verified by the Department of Veterans Affairs.

The Act is similar to Code Section 135C.31A, which is applicable to health care facilities.

SENATE FILE 377 - **Prescription Drug Donation Repository Program**

BY COMMITTEE ON REBUILD IOWA. This Act provides that in addition to pharmacies and medical facilities that participate in the Prescription Drug Donation Repository, the Department of Public Health may also receive prescription drugs or supplies directly from the Prescription Drug Donation Repository contractor and may distribute the prescription drugs and supplies through persons licensed to dispense prescription drugs and supplies to eligible individuals pursuant to the program. The department may receive and distribute such prescription drugs and supplies during or in preparation for a proclaimed state of disaster emergency or a public health disaster. The department is required to adopt rules for eligibility criteria for individuals to receive donated prescription drugs and supplies dispensed directly by the department through persons licensed to dispense prescription drugs and supplies.

The Act also provides immunity from civil and criminal liability for the department, or the department's employees, agents, or volunteers acting reasonably and in good faith under the program.

SENATE FILE 389 - **Health Care — Services, Providers, and Insurance**

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to health care, health care providers, and health care coverage.

Division I — Legislative Health Care Coverage Commission

Division I of the Act creates a Legislative Health Care Coverage Commission under the authority of the Legislative Council. The commission is composed of the Commissioner of Insurance, the Director of Human Services, the Director of Public Health, and four members of the General Assembly, who are nonvoting

members and 11 voting members representing specified constituencies who are appointed by the Legislative Council. The Legislative Council is authorized to employ or contract with a person or persons to assist the commission in gathering and coordinating information and conducting its deliberations.

The commission is charged with developing an Iowa Health Care Reform Strategic Plan that includes but is not limited to a review and analysis of, and recommendations and prioritization of recommendations for, specified options. The commission is required to collaborate with health care coverage experts in developing the strategic plan.

The commission is required to provide quarterly progress reports to the Legislative Council. The commission is also required to provide a progress report to the General Assembly by January 1, 2010, specifically including recommendations and priorities for health care coverage programs that offer public and private, adequate and affordable coverage for adults. The commission is required to collaborate with health care coverage experts to ensure that health care coverage for adults that is consistent with the commission's recommendations and priorities is available for purchase by the public by July 1, 2010. The commission is required to provide a second progress report to the General Assembly by January 1, 2011, specifically including information about health care coverage for adults, including enrollment information, that was available for purchase by the public by July 1, 2010.

The commission is required to conclude its deliberations by July 1, 2011, and submit a final report to the General Assembly by October 1, 2011, specifically including information about the availability of health care coverage programs for adults; analyzing issues studied; and setting forth options, recommendations, and priorities for an Iowa Health Care Reform Strategic Plan that ensures that all Iowans have access to health care coverage which meets minimum standards of quality and affordability. The provision is repealed on December 31, 2011.

COORDINATING AMENDMENTS. Coordinating amendments are made in Code Chapter 514E by repealing provisions creating and assigning duties to the Iowa Choice Health Care Coverage Advisory Council and removing duties and powers from the Iowa Comprehensive Health Insurance Association pertaining to the council.

Division I takes effect May 19, 2009.

Division II — Health Care Coverage of Adult Children

Code Section 422.7 is amended to provide that if the health benefits coverage or insurance of an Iowa taxpayer includes coverage of a nonqualified tax dependent as determined by the federal Internal Revenue Service, the amount of the value of that coverage is not subject to state income tax. This amendment applies retroactively to January 1, 2009.

Code Section 509.3(8), relating to group health insurance, Code Section 509A.13B, relating to group health insurance for public employees, and Code Section 514A.3B(2), relating to individual policies of health insurance, are amended; and new Code Section 514B.9A, relating to health maintenance organizations, is enacted to require that adult children who are unmarried, residents of this state, and up to 25 years of age, or who are full-time students, be allowed to reenroll in previously existing dependent coverage of their parents so long as they would not be considered late enrollees as defined in Code Section 513B.2(14). Current provisions only allow continuation of existing coverage.

Division III — Medical Assistance and Healthy and Well Kids in Iowa (hawk-i) Provisions

Division III of the Act includes provisions relating to the Medical Assistance (Medicaid) and hawk-i programs.

The division directs the Department of Human Services (DHS) to provide Medicaid or hawk-i coverage, as appropriate, to individuals under 19 years of age who meet income eligibility requirements under the respective program and for whom federal financial participation is or becomes available.

The division amends the income tax provision for reporting of a dependent child's health care coverage status to require, beginning with the tax returns for tax year 2010, that a person who files an individual or joint income tax return indicate the presence or absence of health care coverage for each dependent child for whom an exemption is claimed. If the taxpayer indicates that a dependent child does not have health care coverage and the income of the taxpayer's tax return does not exceed the highest level of income eligibility standard for the Medicaid or hawk-i program, the Department of Revenue (DOR) is required to notify the taxpayer that the dependent child may be eligible for these programs and to provide information to the taxpayer about how to enroll the dependent child in the appropriate program. The taxpayer is then required to submit an application for the appropriate program within 90 days of receiving the enrollment information. Information to be reported by DOR to the Governor and the General Assembly includes whether a taxpayer who claims a dependent indicates coverage or lack of coverage for the dependent, and the number of such families who subsequently apply for an appropriate program. This provision takes effect July 1, 2010.

The division provides for coverage under the Medicaid program of a pregnant woman with a family income of up to 300 percent of the federal poverty level, beginning July 1, 2009.

The division includes provisions to improve access to and retention in the Medicaid and hawk-i programs. The division directs DHS to implement a number of provisions included in the federal Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) under both the Medicaid and hawk-i programs including implementing the premium assistance options; including translation and interpreter services as a covered benefit; utilizing a joint program application and supplemental forms, and the same application and renewal verification processes for the Medicaid and hawk-i programs; implementing administrative or paperless verification at renewal; utilizing presumptive eligibility beginning January 1, 2010; and utilizing the express lane option to reach and enroll children in the programs. The division also directs DHS to allow for the submission of one pay stub per employer by an individual as verification of earned income and to allow for the averaging of three years of income for self-employed families to establish eligibility under the Medicaid and hawk-i programs, and directs DHS to extend the period for annual renewal for Medicaid. The division also authorizes the hawk-i Program to provide the supplemental dental-only coverage to children who have private coverage but would otherwise be eligible for the hawk-i Program, which is a provision allowed under CHIPRA.

The division also incorporates the hawk-i Expansion Program, the intent of which was to extend coverage to children whose family income is up to 300 percent below the federal poverty level through state-only funding by July 1, 2009, into the existing hawk-i Program which population is eligible for federal matching funds pursuant to CHIPRA. The division provides that Medicaid and hawk-i coverage are creditable coverage for the purposes of portability to private and individual or group health insurance coverage. The division also directs DHS and the Department of Public Health (DPH) in cooperation with other appropriate agencies to apply for federal grants to promote outreach activities and quality child health outcomes under the Medicaid and hawk-i programs as provided under CHIPRA.

Division IV — Volunteer Health Care Providers

Division IV of the Act expands the Volunteer Health Care Provider Program to include specialty health care provider offices.

Division V — Health Care Workforce Support Initiative

Division V of the Act establishes a Health Care Workforce Support Initiative, including a Health Care Workforce Shortage Fund.

The division creates a Health Care Workforce Shortage Fund and creates accounts within the fund under the control of DPH in cooperation with the College Student Aid Commission, the governing group of the Iowa Collaborative Safety Net Provider Network, and any state entity identified for receipt of federal funds by the federal government for a specified Health Care Workforce Shortage Initiative. The fund consists of the Medical Residency Training Account under the control of DPH; the Health Care Professional and Nurse Workforce Shortage Initiative Account under the control of the College Student Aid Commission; the Safety Net Provider

Network Workforce Shortage Account under the control of the governing group of the Iowa Collaborative Safety Net Provider Network; the Health Care Workforce Shortage National Initiatives Account under the control of any state entity identified by the federal government providing the funds; and the Physician Assistant Mental Health Fellowship Program Account under the control of DPH.

The Health Care Workforce Support Initiative consists of a Medical Residency Training State Matching Grants Program to provide grants to sponsors of accredited graduate medical education residency programs in the state to establish, expand, or support medical residency training programs; the Health Care Professional Incentive Payment Program to assist in the recruitment and retaining of health care professionals; two programs under a Nursing Workforce Shortage Initiative including the Nurse Educator Incentive Payment Program to recruit and retain nurse educators, and the Nursing Faculty Fellowship Program to provide funds to nursing schools in the state for fellowships for individuals employed in qualifying positions on the nursing faculty; the Safety Net Provider Incentive Payment Program to administer recruitment and retention initiatives that may include but are not limited to loan repayment and loan forgiveness programs, and programs to address safety net provider shortages; and the Physician Assistant Mental Health Fellowship Program.

The various programs within the initiative are repealed June 30, 2014, and are only to be implemented to the extent funding is available.

Division VI — Gifts — Reporting of Sanctions

Division VI of the Act directs the health profession boards to report to the General Assembly by January 15, 2010, any public information regarding sanctions levied against a health care professional for receipt of gifts in violation of the respective health profession's requirements.

Division VII — Health Care Transparency

Division VII of the Act relates to health care transparency.

The division directs DPH to enter into a memorandum of understanding to utilize the Iowa Hospital Association to act as the department's intermediary in collecting, maintaining, and disseminating hospital inpatient, outpatient, and ambulatory information.

SENATE FILE 433 - **Inspection and Assessment of Health Care Facilities and Assisted Living Programs**
BY COMMITTEE ON HUMAN RESOURCES. This Act relates to conflict of interest restrictions and training requirements for inspectors and monitors, and penalties for violations, relating to health care facilities and assisted living programs.

The Act establishes criteria for disqualification of inspectors or monitors of health care facilities and assisted living programs, and also provides for training of the inspectors. Any state penalty issued to a health care facility as a result of a federal survey shall be dismissed if the corresponding federal deficiency or citation is dismissed or removed. If a facility self-identifies a deficient practice prior to the on-site visit inspection, there has been no complaint filed with the department related to that specific deficient practice, and the facility corrects such practice prior to an inspection, no citation shall be issued or fine assessed, except for certain violations specified in the Act.

The Act sets out a procedure for reinspections and the issuance of final findings related to health care facilities.

The Act modifies the assessment of penalties for health care facilities. If a facility has been assessed a penalty, does not request a formal hearing or withdraws its request, and pays the penalty within 30 days of the receipt of notice or service, the amount of the penalty shall be reduced by 35 percent. In some situations, the penalty is doubled when the violation is due to an intentional act by the facility.

The Act provides similar provisions relating to assisted living programs, including minimum standards for certification relating to tenant service plans, notification of the Department of Inspections and Appeals

regarding major injury or death of a tenant, provisions relating to dependent adult abuse, and limitations on the imposing of duplicate civil penalties.

SENATE FILE 440 - Prescription Drug Coverage for Veterans in Health Care Facilities

BY COMMITTEE ON VETERANS AFFAIRS. This Act directs health care facilities, with the exceptions of a state mental health institute for acute psychiatric care and the Iowa Veterans Home, to allow a resident identified as eligible for benefits through the U.S. Department of Veterans Affairs or through other means, access to the prescription drug benefit included in such benefits for which the resident is also eligible. This requirement applies to individuals already residing in a health care facility on July 1, 2009, as well as to those residents subsequently admitted. The Act directs the departments of Inspections and Appeals, Veterans Affairs, and Human Services to identify any barriers to residents in accessing the prescription drug benefits and to assist health care facilities in adjusting their procedures for medication administration to comply with the requirements of the Act.

SENATE FILE 476 - Nursing Facilities — Quality Assurance Assessments and Provider Reimbursements

BY COMMITTEE ON WAYS AND MEANS. This Act is organized in divisions.

Division I of the Act creates a quality assurance assessment imposed on nursing facilities and a Quality Assurance Trust Fund.

The Act imposes the assessment on nursing facilities for each patient day. The assessment is to be broad-based, imposed uniformly unless otherwise provided, and is not to exceed the lower of 3 percent of the aggregate non-Medicare revenues of a nursing facility or the maximum amount that may be assessed pursuant to federal law. The assessment is to be paid by each nursing facility to the Department of Human Services (DHS) on a quarterly basis. DHS is to prepare and distribute a form upon which nursing facilities calculate and report the assessment, and each nursing facility is required to submit the completed form with the assessment amount no later than 30 days following the end of each calendar quarter. The Act includes requirements for recordkeeping and access to records for the purposes of auditing, provides for payments or refunds for underpayments or overpayments, and provides penalties and collection measures for nonpayment by nursing facilities in a timely manner.

Once DHS collects the assessments, the revenue is to be deposited in the Quality Assurance Trust Fund established in the Act under the authority of DHS. Moneys in the trust fund are required to be used, subject to their appropriation by the General Assembly, only for reimbursement of services for which federal financial participation under Medicaid is available to match state funds. Priority in use of the funds by nursing facilities is to be for compensation and costs of employees for direct care workers and other nursing facility staff and certain percentages of the reimbursements to nursing facilities must be used for direct care worker and nursing facility staff compensation and costs of employment. Nursing facilities are to continue to be reimbursed under the modified price-based case-mix reimbursement methodology originally created in 2001 for the Medicaid program. In addition to the amount of reimbursement provided under that formula, the moneys in the fund are to be used to provide supplemental payments to nursing facilities including: a quality assurance assessment pass-through; a quality assurance assessment rate add-on; and for nursing facility payments for rebasing. The Act provides a methodology for providing these rate adjustments. Each nursing facility must submit information to demonstrate compliance with the requirements for use of the rate adjustment increases. DHS is required to report annually to the General Assembly regarding the use of moneys deposited in the trust fund and appropriated to DHS.

Division I takes effect May 26, 2009, and provides that the division is only to be implemented if requests for the necessary waivers and state plan amendment from the federal government do not adversely affect the existing IowaCare waiver and only following receipt of approval of the waivers and state plan amendment as specified in Division II of the Act.

Division II of the Act provides directives to DHS and contingencies. No later than June 30, 2009, if it is determined that such requests will not adversely affect the existing IowaCare waiver, DHS is directed to request waivers and a state plan amendment from the Centers for Medicare and Medicaid Services of the U.S.

Department of Health and Human Services. The uniform tax requirement waiver is to be structured to minimize the negative fiscal impact on nursing facilities. Division II also includes contingency provisions relating to accrual and collection of the assessment. The assessment would only accrue beginning on the first day of the calendar quarter following the date of approval of the medical assistance state plan amendment. The accrued assessments would not, however, be collected prior to completion of both the approval of the waivers and state plan amendment and provision of an appropriation by the General Assembly to implement the nursing facility provider reimbursements as provided in the Act.

Division II of the Act takes effect May 26, 2009.

SENATE FILE 484 - Boarding Home Regulation and Protection of Dependent Adults

BY COMMITTEE ON GOVERNMENT OVERSIGHT. This Act relates to regulatory requirements involving boarding homes and dependent adults.

The duties of the Commissioner of Labor are amended to include the duty of developing, in consultation with the U.S. Department of Labor, a database of the employers in this state utilizing special certificates issued by the U.S. Secretary of Labor for payment of wages below the minimum wage, under certain circumstances, for workers with handicaps. The commissioner is required to maintain the database.

New Code Chapter 1350 provides for regulation of boarding homes by the Department of Inspections and Appeals.

Code Chapter 1350 defines the term "boarding home." The term does not include various facilities, homes, or programs subject to licensure or regulated under existing Iowa law. The owner or lessee of a boarding home is required to register with the department and to submit occupancy information.

If allegations are received concerning a boarding home or the safety of boarding home tenants, an interagency approach is required to be used to address the allegations. If the department or a multidisciplinary team has probable cause to believe there is a boarding home violation or that dependent adult abuse of an individual living in the boarding home has occurred and is denied entry to inspect or investigate, upon application, the court may enter an order requiring the owner or lessee to permit entry and access to the individuals living in the boarding home.

Code Chapter 235B, relating to dependent adult abuse services administered by the Department of Human Services, is amended. Under current law, Code Section 235B.3, relating to the procedure for dependent adult abuse reports, generally provides for the reports to be evaluated or assessed by the Department of Human Services. An exception under Code Chapter 235E provides for reports involving a health care facility, hospital, elder group home, assisted living program, or an adult day services program, to be evaluated by the Department of Inspections and Appeals. If while either department is performing a case evaluation, it is determined the case involves various labor and employment matters under the jurisdiction of the Division of Labor Services of the Department of Workforce Development, the respective department is required to refer such portions of the case to the division. A similar requirement is included for portions of cases involving discrimination under the jurisdiction of the Civil Rights Commission.

Requirements involving the period of time certain dependent adult abuse information is retained by the Department of Human Services are amended. The Act increases the period of time that information determined to be unfounded is held before expungement from one year to five years and requires rejected reports to be expunged after three years.

The Dependent Adult Protective Advisory Council is required to recommend a uniform assessment instrument and process for use by the Department of Human Services and other agencies involved with assessing a dependent adult's degree of dependency and whether dependent adult abuse has occurred.

The uniform instrument and process does not apply to facilities and programs for which the Department of Inspections and Appeals performs the evaluations. The design of the instrument and process is required to incorporate various elements, including an evaluation of conformity with federal law and regulation by those

employing, housing, or providing services to the individual and a formal assessment of the existence of risk to the health or safety of the individual or the degree of the individual's impairment in ability to protect the person's own interests or to adequately perform or obtain services to meet essential human needs, as a result of a physical or mental condition which requires assistance from another.

If a risk exists, development of a safety plan, including protective services, is required. Under existing law, if an individual consents to receipt of protective services but the individual's caretaker refuses, the Department of Human Services may petition the court to enjoin the caretaker from interfering with the protective services. Also, if the individual lacks capacity to consent to receipt of protective services or there is an immediate danger, the department may petition the court to authorize provision of the protective services. If these existing law options are not utilized, the Act directs the department to follow a process that includes maintaining periodic contact with the individual. The purpose of the contact is to monitor the individual's goals, feelings, and concerns so that the department can intervene as necessary or offer other services and other support to maintain or sustain the individual's safety and independence when the individual is ready to agree to a safety plan or accept services.

The department and other agencies involved with assessing a dependent adult's degree of dependency and whether dependent adult abuse has occurred are required to adopt rules and take other steps necessary to implement the uniform assessment instrument and process on or before July 1, 2010.

The department is also required to cooperate with the departments of Elder Affairs, Inspections and Appeals, Public Health, Public Safety, and Workforce Development, the Civil Rights Commission, and other state and local agencies performing inspections or otherwise visiting residential settings where dependent adults live, to regularly provide training to the appropriate staff in the agencies concerning each agency's procedures involving dependent adults, and to build awareness concerning dependent adults and reporting of dependent adult abuse.

Code Section 249A.7, relating to investigations and audits under the Medical Assistance (Medicaid) Program, is amended to create a Medicaid Fraud Account under the authority of the Department of Inspections and Appeals. The account receives moneys relating to prosecutions involving the department's investigations and audits involving the Medicaid program that are not credited to the Medicaid program. The agencies receiving moneys are required to submit a joint annual report to the Governor and General Assembly concerning expenditures from the account and associated activities.

An appropriation is made from the account for FY 2009-2010 to the Department of Inspections and Appeals to provide the necessary financial match to meet federal mandates in connection with Medicaid program fraud and abuse activities and to cover the costs incurred by the department and other agencies in providing regulation, responding to allegations, or other activities involving the boarding home chapter contained in the Act.

[HOUSE FILE 122](#) - Controlled and Precursor Substance Regulation and Reporting

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to requiring reports for certain precursor substances and extending an information program for drug prescribing and dispensing.

The Act adds iodine and N-phenethyl-4-piperidone to the list of precursor substances which require a manufacturer, retailer, or other person who transfers such a substance to report the transfer to the Board of Pharmacy as provided in Code Chapter 124B.

The Act also extends the authorization of the Board of Pharmacy to establish and administer a Prescription Drug Database Program containing a record of the dispensing of prescriptions for identified controlled substances. The purpose of the program is to collect information regarding the dispensing of controlled substance prescriptions by pharmacies in order to improve patient health care by facilitating the early identification of patients who may be at risk for addiction or who may be using, abusing, or diverting drugs for unlawful or otherwise unauthorized purposes. The Act extends the program from June 30, 2009, to June 30, 2011.

HOUSE FILE 314 - Regulation of Miscellaneous Public Health-Related Activities

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to health-related activities and regulation by the Department of Public Health involving lead-safe renovators, newborn and infant hearing screening, and public health disaster authority.

Division I — Lead-Safe Renovators and Child-Occupied Facilities

Division I relates to the existing program for training and certification of lead inspectors and lead abaters by adding lead-safe renovators to the program. The renovator provisions replace a prior provision for a voluntary program for renovators. Other than a person's own residential dwelling occupied by the person or an immediate family member, performing a renovation of target housing or a child-occupied facility without obtaining a lead-safe renovator certification is prohibited. Training programs for lead-safe renovators are subject to the approval of the department.

Requirements for lead hazard notifications are amended to add a notice requirement for services provided at a "child-occupied facility" to existing law requiring persons performing, for compensation, renovation, remodeling, or painting services for target housing. The required notice involves providing a pamphlet to the owner and occupant prior to commencing the services. For a child-occupied facility, the notice may be completed by posting a sign and a copy of the pamphlet.

"Child-occupied facility" is defined to mean a building or portion of a building constructed prior to 1978 visited on a regular basis as specified in the division by a child who is under six years of age. The division lists examples of such facilities which include child care centers, preschools, and kindergarten classrooms and common areas routinely used by such children.

Violations are punishable by a civil penalty of not more than \$5,000.

Division II — Newborn and Infant Hearing Screening

Division II amends the requirements for universal newborn and infant hearing screening.

In addition to existing reporting requirements, a birthing hospital, birth center, or person performing the screening is required to report hearing screening results or screening status to the primary care provider of the newborn or infant upon discharge from the birthing hospital or other facility. Additions to the required reporting information include identifying the primary care provider at the time of the newborn's or infant's discharge, known risk indicators of the newborn or infant for hearing loss, and other information to be specified in departmental rule.

Additional reporting is required of audiologists who perform diagnostic audiological assessments, including known risk indicators of the newborn or infant for hearing loss, and other information to be specified in departmental rule.

Division III — Public Health Disaster Authority

Division III revises and adds to the department's duties and authority involving public health disasters and other disasters.

Code Section 135.140, providing definitions for the department's disaster preparedness provisions, is amended. The term "public health disaster" is expanded to include conditions that pose a high probability of short-term or long-term physical or behavioral health consequences to a large number of the affected population. The term "public health response team" is expanded to allow such a team to provide general disaster assistance rather than being restricted to disaster medical assistance.

The department's duties involving disasters are expanded to include emergency response and recovery activities involving public health.

The purposes for public health response teams are expanded to include natural and man-made occurrences for which the teams can be requested by local medical or public health personnel or hospitals to provide support services. The department is required to provide by rule a process for registering and approving team members and sponsor entities. The department is authorized to expedite the registration and approval process when certain disaster or emergency conditions exist.

The department is authorized to temporarily reassign employees for response and recovery efforts when there is a public health disaster. The authority is limited to the extent the employees consent to the reassignments.

[HOUSE FILE 381](#) - Practice of Pharmacy and Internet Site Terminology

BY COMMITTEE ON HUMAN RESOURCES. This Act establishes a registration program for pharmacy support persons and establishes new requirements for the Internet sale of prescription drugs by pharmacies.

In part, the Act prohibits a pharmacist from filling a prescription drug order from a provider if the order is based solely on an Internet questionnaire, an Internet consultation, or a telephonic consultation, and if a valid patient-practitioner relationship does not exist.

Internet pharmacies are required to display certain information on their Internet sites and to obtain certification as a verified Internet pharmacy practice site.

A prescriber or the prescriber's agent is allowed to authorize the refill of a prescription by any means of communication, including word of mouth.

Family planning clinics that dispense birth control pills and devices are exempted from pharmacy regulation under Code Chapter 155A.

The Act also amends Code Chapter 4, relating to construction of statutes, adding a general definition of the term "Internet site."

[HOUSE FILE 400](#) - Licensing of Fire Protection Systems Installers and Maintenance Workers

BY COMMITTEE ON STATE GOVERNMENT. This Act revises licensing requirements for persons performing fire protection system installation or fire protection system maintenance. The Act eliminates a requirement limiting licensure to only those working in the fire protection system business "as a principal occupation." Instead, licensing requirements shall be extended by January 1, 2010, to persons working on a part-time basis in the profession. A person licensed as a fire sprinkler installer and maintenance worker must be employed by a fire extinguishing system contractor, or provide these services only for that person's employer. The Act exempts a licensed plumber working within the scope of a plumber's license from the licensing requirements applicable to fire protection system installers and maintenance workers, and provides for a temporary 90-day license for persons licensed in another state who enter Iowa to work during a disaster emergency.

[HOUSE FILE 488](#) - Assistive or Service Animals

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to service animals. The Act directs the Department of Human Services (DHS) to submit a Medical Assistance (Medicaid) state plan amendment to the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services to add the maintenance of a service animal as an eligible service reimbursable under the Medicaid home and community-based services waivers. If the state plan amendment is approved, DHS is directed to adopt rules to implement the Act. The Act also provides definitions and specifies limitations for reimbursement of maintenance of a service animal.

The Act also requires that a person assisting a person with a disability by controlling an assistive animal be allowed to accompany the person with the disability and the assistive animal in public facilities and accommodations specified under Code Chapter 216C, which provides for the rights of persons with physical disabilities.

HUMAN SERVICES

- [SENATE FILE 204](#) - Administration of Services for Aging and Dependent Adults
- [SENATE FILE 236](#) - Psychiatric Medical Institutions for Children — Reimbursement
- [SENATE FILE 319](#) - Child Support — Payment, Records, Fees, and Interest Charges
- [SENATE FILE 438](#) - Protection of Dependent Adults
- [HOUSE FILE 317](#) - Medical Assistance Program — Assisted Living Services
- [HOUSE FILE 672](#) - Individual Development Accounts

RELATED LEGISLATION

- [SENATE FILE 101](#) - Shaken Baby Syndrome Prevention Program
SEE CHILDREN AND YOUTH. This Act establishes a Shaken Baby Syndrome Prevention Program in the Department of Public Health.
- [SENATE FILE 152](#) - Human Services — Planning, Placement, and Services for Children
SEE CHILDREN AND YOUTH. This Act relates to administrative and planning responsibilities involving children who are subject to a court order for out-of-home placement for whom the Department of Human Services has responsibility under state or federal law. The Act addresses transition planning for children nearing adulthood, notifying a child's relatives concerning options for placing the child with the relatives, documenting the educational stability of the school setting for such children, and providing for the child to continue attending school in the same school district that the child was enrolled in at the time of placement unless it is determined the continued attendance is not in the child's best interests.
- [SENATE FILE 203](#) - Medical Assistance Program and Veterans Benefits — Tenants of Assisted Living Programs
SEE HEALTH AND SAFETY. This Act requires assisted living programs that receive reimbursement through the Medical Assistance (Medicaid) Program to assist the Department of Veterans Affairs in identifying, upon admission of a tenant, and for tenants already residing in the assisted living program on July 1, 2009, the tenant's eligibility for benefits through the U.S. Department of Veterans Affairs.
- [SENATE FILE 366](#) - Family in Need of Assistance and Emancipation of a Minor Proceedings
SEE CHILDREN AND YOUTH. This Act prescribes juvenile proceedings for the emancipation of a minor and relates to family in need of assistance proceedings. The Act provides that a minor 16 years of age or older may file a petition for an order of emancipation in juvenile court provided the minor is a resident of the state and is not in the care, custody, or control of a state agency. The juvenile court, on its own motion, may discontinue emancipation proceedings and interpret the emancipation petition as a petition to initiate family in need of assistance proceedings pursuant to Code Sections 232.122 through 232.127.
- [SENATE FILE 389](#) - Health Care — Services, Providers, and Insurance
SEE HEALTH AND SAFETY. This Act relates to health care, health care providers, and health care coverage. Division I of the Act creates a Legislative Health Care Coverage Commission under the authority of the Legislative Council. The commission is charged with developing an Iowa Health Care Reform Strategic Plan. Division III of the Act includes provisions relating to the Medical Assistance (Medicaid) and hawk-i programs. The division directs the Department of Human Services to provide Medicaid or hawk-i coverage, as appropriate, to individuals under 19 years of age who meet income eligibility requirements under the respective program and for whom federal financial

participation is or becomes available. The division amends the income tax provision for reporting of a dependent child's health care coverage status in order to facilitate application for enrollment of eligible children in the Medicaid or hawk-i program, as appropriate. The division provides for coverage under the Medicaid program of a pregnant woman with a family income of up to 300 percent of the federal poverty level, beginning July 1, 2009. The division includes provisions to improve access to and retention in the Medicaid and hawk-i programs. The division also incorporates the hawk-i Expansion Program into the existing hawk-i Program. The division provides that Medicaid and hawk-i coverage are creditable coverage for the purposes of portability to private and individual or group health insurance coverage.

[SENATE FILE 430](#)

- Statutory Boards, Commissions, Councils, and Committees — Legislative Appointments **SEE STATE GOVERNMENT.** This Act relates to appointments to statutory boards, commissions, and councils that involve the General Assembly and includes changes to the appointment provisions for the Medical Assistance Quality Improvement Council and the Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission.

[SENATE FILE 476](#)

- Nursing Facilities — Quality Assurance Assessments and Provider Reimbursements **SEE HEALTH AND SAFETY.** Division I of this Act creates a quality assurance assessment imposed on nursing facilities and a Quality Assurance Trust Fund. The Act imposes the assessment on nursing facilities for each patient day. Once the Department of Human Services (DHS) collects the assessments, the revenue is to be deposited in the Quality Assurance Trust Fund established in the Act under the authority of DHS. Moneys in the trust fund are required to be used, subject to their appropriation by the General Assembly, only for reimbursement of services for which federal financial participation under Medicaid is available to match state funds. Nursing facilities are to continue to be reimbursed under the modified price-based case-mix reimbursement methodology originally created in 2001 for the Medicaid programs. In addition to the amount of reimbursement provided under that formula, the moneys in the fund are to be used to provide supplemental payments to nursing facilities including: a quality assurance assessment pass-through; a quality assurance assessment rate add-on; and for nursing facility payments for rebasing. The Act provides a methodology for providing these rate adjustments. Division I takes effect May 26, 2009, and provides that the division is only to be implemented if requests for the necessary waivers and state plan amendment from the federal government do not adversely affect the existing IowaCare waiver and only following receipt of approval of the waivers and state plan amendment as specified in Division II of the Act. Division II of the Act provides directives to DHS and contingencies. Division II of the Act also takes effect May 26, 2009.

[SENATE FILE 478](#)

- State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes **SEE APPROPRIATIONS.** This Act makes, reduces, and transfers appropriations; provides salaries and compensation of state employees; and covers other properly related matters. Division VII transfers certain property located at the Glenwood State Resource Center to the jurisdiction of the Department of Natural Resources. Division XIII relates to data mining, predictive modeling, and data analytics to address provider overpayments, underpayments, and fraud within the Iowa Medicaid Enterprise; provides a procedure for the application for assistance from the risk pool for adult mental health and disability services created in Code Section 426B.5; provides criteria for a child deemed to meet the acuity criteria for medically necessary inpatient benefits in a psychiatric medical institution for children under a group policy, contract, or plan providing for third-party payment or prepayment of health, medical, and surgical coverage benefits by a carrier or by an organized delivery system; prohibits a contract, policy, or plan providing for third-party payment or prepayment for cancer treatment

from discriminating between coverage benefits for certain anticancer medications; and changes the designated membership of a requested interim study committee for pharmacy-related issues. Division XVII relates to a child care regulatory fee.

[SENATE FILE 482](#)

- Volunteer Service Programs
SEE LABOR AND EMPLOYMENT. This Act relates to youth employment programs administered by the Commission on Volunteer Service by establishing the Iowa Summer Youth Corps and Green Corps programs. Provisions establishing the programs take effect May 26, 2009.

[SENATE FILE 484](#)

- Boarding Home Regulation and Protection of Dependent Adults
SEE HEALTH AND SAFETY. This Act relates to regulatory requirements involving boarding homes and dependent adults. It includes provisions involving dependent adult abuse evaluations performed by the Department of Human Services.

[HOUSE FILE 122](#)

- Controlled and Precursor Substance Regulation and Reporting
SEE HEALTH AND SAFETY. This Act extends the authorization of the Board of Pharmacy to establish and administer a Prescription Drug Database Program from June 30, 2009, to June 30, 2011. The purpose of the program is to collect information regarding the dispensing of controlled substance prescriptions by pharmacies in order to improve patient health care by facilitating the early identification of patients who may be at risk for addiction or who may be using, abusing, or diverting drugs for unlawful or otherwise unauthorized purposes.

[HOUSE FILE 414](#)

- Appropriation Reductions, Transfers, and Supplementals
SEE APPROPRIATIONS. This Act primarily relates to public funding and regulatory matters for FY 2008-2009 by revising and supplementing existing appropriations. It includes supplemental appropriations for the Department of Human Services for distribution to counties for adult mental health, mental retardation, and developmental disabilities property tax relief and services to restore a uniform reduction in appropriations made by the Governor under Executive Order Number 10 issued on December 22, 2008.

[HOUSE FILE 488](#)

- Assistive or Service Animals
SEE HEALTH AND SAFETY. This Act directs the Department of Human Services (DHS) to submit a medical assistance (Medicaid) state plan amendment to the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services to add the maintenance of a service animal as an eligible service reimbursable under the Medicaid Home and Community-based Services Waivers. If the state plan amendment is approved, DHS is directed to adopt rules to implement the Act. The Act also provides definitions and specifies limitations for reimbursement of maintenance of a service animal.

[HOUSE FILE 562](#)

- Human Services and Child Care — Councils
SEE CHILDREN AND YOUTH. This Act relates to the State Child Care Advisory Council and includes a provision adding four legislators to the membership of the Council on Human Services.

[HOUSE FILE 676](#)

- Civil Commitment of Sexually Violent Predators
SEE CIVIL LAW, PROCEDURE, AND COURT ADMINISTRATION. This Act modifies provisions relating to the eligibility for a final hearing in a civil commitment proceeding for a sexually violent predator.

[HOUSE FILE 811](#)

- Appropriations — Health and Human Services
SEE APPROPRIATIONS. This Act relates to and makes appropriations for health and

human services for FY 2009-2010 and includes numerous provisions involving human services and the Department of Human Services.

[HOUSE FILE 820](#)

- Federal Block Grant Appropriations and Other Federal Funding
SEE APPROPRIATIONS. This Act appropriates federal block grant, federal American Recovery and Reinvestment Act of 2009 (ARRA), and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, and for the state fiscal year beginning July 1, 2009, and ending June 30, 2010. The Act includes funding for maternal and child health, preventive health and health services, substance abuse programs, low-income energy assistance, mental health, child care, social services, and other health and human services-related programs. In addition to appropriations of significant amounts of ARRA funding for health and human services purposes, various appropriations are transferred to the Human Services Reinvestment Fund created by the Act and reappropriated for various human services purposes.

HUMAN SERVICES

SENATE FILE 204 - Administration of Services for Aging and Dependent Adults

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to the Department of Elder Affairs and services for older Iowans.

The Act changes references to the "Department of Elder Affairs," the "Commission of Elder Affairs," and "elders" to the "Department on Aging," the "Commission on Aging," and "older individuals," respectively, in Code Chapter 231 (Department of Elder Affairs), and makes conforming changes to these terms throughout the Code.

The records of the department pertaining to clients served by the Office of Substitute Decision Maker and the Elder Abuse Initiative shall be confidential unless otherwise ordered by a court, by the lawful custodian, or by another authorized person pursuant to Iowa's open records law (Code Chapter 22).

The Act expands the state's policies and objectives in regard to older individuals to include freedom from abuse, neglect, and exploitation.

The Act expands the duties and authority of the department to apply for, receive, and administer, in addition to grants, gifts, and devises, bequests of real and personal property from any source. Moneys received by the department from such sources are not subject to reversion to the General Fund of the State.

The Act authorizes the department to administer local long-term care resident's advocate programs and allows local long-term care resident's advocates to carry out the same duties as the state Long-term Care Resident's Advocate, including but not limited to investigating and resolving complaints, monitoring and developing laws and regulations, and providing certain information to other agencies. Local long-term care resident's advocates are also allowed access to long-term care facilities, private access to residents, access to residents' personal and medical records, and access to other records maintained by the facilities or governmental agencies pertaining only to the person on whose behalf a complaint is investigated. A local long-term care resident's advocate is not liable for any actions taken by the local long-term care resident's advocate in the performance of duties if undertaken reasonably and in good faith.

In accordance with the state's service contract process, the department is required to identify and award funds to contractors, in addition to area agencies on aging, that have demonstrated the ability to provide a collaborative response to the immediate needs of older individuals at risk of or experiencing abuse, neglect, or exploitation, for the purpose of implementing elder abuse initiative, emergency shelter, and support service projects.

The department shall administer the Aging and Disability Resource Center Program, the Legal Assistance Development Program, and the Nutrition Program. The purpose of the Aging and Disability Resource Center Program is to provide a coordinated local system of information access for older individuals, persons with disabilities aged 18 and older, and people who inquire about, or request assistance on behalf of, members of these groups who seek long-term care and support. The purpose of the Legal Assistance Development Program is to provide leadership for improving legal advocacy assistance for Iowa's older individuals. The purpose of the Nutrition Program is to administer the federal Older Americans Act in regard to congregate and home-delivered nutrition programs, nutrition education, nutrition counseling, and health programs to promote health and well-being, reduce food insecurity, promote socialization, and maximize independence of older individuals.

The Act requires the area agencies on aging to consider an older individual's caregiver in assessing the types, levels, and delivery of services available to older individuals.

The Act provides that the State Substitute Decision Maker shall be licensed to practice law in Iowa and shall be the sole authority for certifying additional curriculum trainers. Volunteers and volunteer organizations shall not provide direct substitute decision-making services. Gifts, grants, or donations received by the Office of the Substitute Decision Maker shall be deposited in the General Fund of the State and the amounts received are

appropriated to the department. Moneys retained by the department pursuant to these gifts, grants, or donations shall not be subject to reversion to the General Fund of the State.

For all state office or local office of substitute decision maker appointments by the court, notice shall be provided to the state office or local office of substitute decision maker prior to appointment. For such appointments, the state office or local office of substitute decision maker shall only accept appointments made in circumstances where an involuntary petition for guardianship or conservatorship is filed.

The state or local substitute decision maker may petition to be removed as guardian or conservator under certain circumstances, including if the ward displays assaultive or aggressive behavior that causes the substitute decision maker to fear for the substitute decision maker's personal safety, if the ward refuses the services of the substitute decision maker or refuses to have contact with the substitute decision maker, and if the ward moves out of Iowa. An appointment nominating the state office or a local office under a power of attorney will not be effective unless the nominated state or local office has consented to the appointment in writing.

The Act authorizes the department access to dependent adult abuse information, other than unfounded dependent adult abuse information, for the purposes of conducting background checks of applicants for employment with the department.

SENATE FILE 236 - Psychiatric Medical Institutions for Children — Reimbursement

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to psychiatric medical institution for children (PMIC) services by providing for development and implementation of a new Medicaid program reimbursement methodology that is acuity-based and by addressing other PMIC service provisions. A PMIC provides intensive inpatient services to address medical, emotional, mental, behavioral, or substance abuse problems.

The Department of Human Services (DHS) is directed to work with PMIC providers in developing the new reimbursement methodology with acuity adjustments to be implemented beginning on July 1, 2010. For FY 2009-2010, the maximum reimbursement rate for PMIC providers, other than the PMIC at the State Mental Health Institute located at Independence, is limited to 103 percent of certain average costs for the preceding fiscal year. DHS may utilize the exception to policy process on a case-by-case basis to authorize a higher rate for services provided to children with intensive needs who would otherwise be placed out of state. DHS is required to track out-of-state PMIC placements and apply utilization control strategies to assure a reduction in out-of-state PMIC admissions.

DHS is required to submit a Medicaid program state plan amendment for authority to reimburse the PMIC located at the State Mental Health Institute for 100 percent of actual costs. Any resulting savings to that institute's appropriation for FY 2009-2010 is to be transferred to the Medicaid program appropriation to be used for the purposes described in the Act.

DHS is also required to work with PMIC providers to develop and implement outcome measures for PMIC providers beginning on July 1, 2010.

The Act takes effect May 22, 2009.

SENATE FILE 319 - Child Support — Payment, Records, Fees, and Interest Charges

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to child support enforcement and is organized into divisions.

Division I relates to withholding of an employee's compensation by an employer for the purposes of paying support payments and the premiums for a health benefit plan to provide coverage for a child of the employee under a support order. The division eliminates language currently only published in the 2007 Iowa Acts that would have taken effect July 1, 2009, directing an employer to allocate funds in a specific manner if an obligor was responsible for more than one support obligation and the employee did not have sufficient compensation available to meet the employee's share for all such obligations. In place of the repealed provisions, the division amends current law only by adding a reference to an order, as well as a notice in specifying the amount of the

employee's compensation to be withheld, and by eliminating language that is no longer necessary due to passage of the dates referenced.

Division II amends provisions regarding the use and disclosure of confidential information relating to child support enforcement in accordance with new federal regulations. The division, in accordance with these federal regulations, restricts the use and disclosure of such information, including payment records; requires evidence that a person is authorized under federal law in order to access parent locator services, and limits the government agencies that may have access to the Iowa Central Employee Registry.

Division II takes effect March 23, 2009, the date the new federal regulations are effective. However, provisions in this division were repealed in H.F. 811 (see Appropriations).

Division III relates to the annual collections fee imposed in child support cases as required under the federal Deficit Reduction Act of 2005. The imposition of the fee became effective October 1, 2007, and applies only to cases in which the family has never received assistance under Title IV-A of the federal Social Security Act and only if child support disbursed is in the amount of \$500 or more. The Act amends current Code to conform to current practice as allowed under federal law and regulation. The fee is only imposed on a family for whom the Child Support Recovery Unit has disbursed at least \$500 in support in each federal fiscal year, and is to be collected from the obligee by retaining \$25 from disbursements to the obligee. Until such time as a methodology to secure the fee from the obligor is provided by law, an obligee may act pursuant to the provision in the Act allowing for an automatic nonsupport judgment against the obligor payable to the obligee in the amount retained. The law acts as constructive notice that the fee amount, once retained, is an automatic nonsupport judgment against the obligor and the obligee may use any legal means available to collect the nonsupport judgment. The Department of Human Services (DHS) is required to seek a federally approved, cost-effective methodology to secure payment of the collections fee from the obligor and to report options to the General Assembly by December 15, 2009.

Division IV directs DHS to perform a cost-benefit analysis of calculating interest on overdue child support payments enforced by the Child Support Recovery Unit, and to report its findings to the General Assembly by December 15, 2009.

SENATE FILE 438 - **Protection of Dependent Adults**

BY COMMITTEE ON JUDICIARY. This Act relates to actions injurious to dependent adults and provides penalties.

The Act amends the definition of dependent adult abuse in Code Chapter 235B relating to the statewide collection and dissemination of Dependent Adult Abuse Registry information. The Act strikes the element of sexual arousal or desire from the definition of sexual exploitation of a dependent adult, and amends the definition of sexual exploitation of a dependent adult to include the transmission, display, taking of electronic images of the unclothed breast, groin, buttock, anus, pubes, or genitals of a dependent adult by a caretaker for a purpose not related to treatment or diagnosis or as part of an ongoing assessment, evaluation, or investigation.

The Act authorizes a court with probate jurisdiction to issue a protective order for a dependent adult who lacks the ability to consent to protective services and whose caretaker refuses to allow the protective services, and provides that the petition for a protective order in such a case must be verified and contain certain specific information.

The Act amends Code Section 235B.20 relating to a caretaker of a dependent adult who commits the crime of dependent adult abuse and provides that a caretaker who otherwise intentionally or knowingly commits dependent adult abuse upon a dependent adult is guilty of a serious misdemeanor, which is punishable by confinement for no more than one year and a fine of at least \$315 but not more than \$1,875.

HOUSE FILE 317 - **Medical Assistance Program — Assisted Living Services**

BY COMMITTEE ON HUMAN RESOURCES. This Act directs the Department of Human Services (DHS) to request a waiver from the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human

Services to add assisted living services to the Home and Community-based Services Waiver for the elderly under the Medical Assistance (Medicaid) Program.

DHS is directed to provide quarterly progress reports to the Legislative Services Agency until the waiver is approved.

If approval of the waiver is received, DHS is to submit a plan for implementation to the General Assembly. However, DHS is prohibited from implementing the waiver prior to specific action being taken by the General Assembly to implement the waiver.

HOUSE FILE 672 - Individual Development Accounts

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to individual development accounts available to certain persons with low income under Code Chapter 541A. Deposits to an account may receive a state-saving match payment of up to \$2,000.

Under prior law, eligibility for the match payment was limited to account holders with a household income of less than 200 percent of the federal poverty level. The Act revises this income restriction to instead be applicable to eligibility to open an account.

An authorization allowing an account holder who is at least 59 and one-half years old to withdraw any amount from their account is eliminated.

The Act takes effect April 17, 2009, and is retroactively applicable to July 1, 2008.

LABOR AND EMPLOYMENT

- [SENATE FILE 82](#) - Iowa Workforce Development Board Nonvoting Members
- [SENATE FILE 137](#) - Civil Rights and Employment Practices — Wage Discrimination
- [SENATE FILE 197](#) - Unemployment Compensation and Benefits
- [SENATE FILE 318](#) - Public Safety Regulations — Conveyances and Amusement Rides
- [SENATE FILE 482](#) - Volunteer Service Programs
- [HOUSE FILE 618](#) - Enforcement of Wage Payment Collection and Child Labor Laws
- [HOUSE FILE 720](#) - Boiler and Pressure Vessels — Inspections — Regulatory Oversight

RELATED LEGISLATION

- [SENATE FILE 186](#) - Public Employment and Veterans Preferences
SEE PUBLIC DEFENSE AND VETERANS. This Act removes the requirement that a person be a resident of Iowa in order to receive a veteran's preference in appointment or employment for public employment, including municipal civil service employment under Code Chapter 400.
- [SENATE FILE 475](#) - Appropriations — Justice System
SEE APPROPRIATIONS. This Act makes appropriations for the justice system and includes related provisions. The Department of Corrections is not required to enter into a contract for improvements at a state institution where the labor of inmates is used unless the estimated cost of the improvement exceeds \$50,000.
- [SENATE FILE 478](#) - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act makes, reduces, and transfers appropriations, provides salaries and compensation of state employees, and covers other properly related matters. Division VIII amends workers' compensation provisions relating to benefits, amends provisions relating to shared work unemployment compensation program plans, and requires certain assessment rates and methods to be included in the Municipal Utility Retirement System collective bargaining. Division XVI relates to construction contractor registration.
- [SENATE FILE 484](#) - Boarding Home Regulation and Protection of Dependent Adults
SEE HEALTH AND SAFETY. This Act relates to regulatory requirements involving boarding homes and dependent adults. It includes provisions requiring the Commissioner of Labor to maintain a database of employers who are federally authorized to pay subminimum wage for workers with handicaps, and requiring referrals to the Department of Workforce Development when a dependent adult abuse evaluation uncovers labor matters or to the Civil Rights Commission for discrimination under the commission's jurisdiction.
- [HOUSE FILE 414](#) - Appropriation Reductions, Transfers, and Supplementals
SEE APPROPRIATIONS. This Act primarily relates to public funding and regulatory matters for FY 2008-2009 by revising and supplementing existing appropriations. It includes supplemental appropriations for the Department of Workforce Development to restore a uniform reduction in appropriations made by the Governor under Executive Order Number 10 issued on December 22, 2008.
- [HOUSE FILE 420](#) - Civil Service Employment
SEE LOCAL GOVERNMENT. This Act makes changes to Iowa's civil service law by amending provisions related to the selection of civil service commissioners, contracting

prohibitions for civil service commissioners, procedures for the administration of civil service examinations, procedures for temporary appointments, and residency requirements for employees. The Act also adds "denied appointment" to the list of employment actions that are prohibited based upon an individual's characteristics; protects such individuals from retaliation based upon the exercise of any right enumerated in Code Chapter 400; specifies that the burden of proof is on the employer to prove neglect of duty, disobedience, misconduct, or failure to perform a duty; and specifies who may represent an employee during a hearing or trial.

[HOUSE FILE 671](#)

- Public Safety — Communications and Emergency Services
SEE LOCAL GOVERNMENT. This Act provides volunteer emergency services providers protection from employment termination, provides for the memberships of the Public Safety Communications Interoperability Board, and establishes requirements for changing the boundaries of an emergency response district.

LABOR AND EMPLOYMENT

[SENATE FILE 82](#) - Iowa Workforce Development Board Nonvoting Members

BY COMMITTEE ON ECONOMIC GROWTH. This Act adds four ex officio, nonvoting members to the Iowa Workforce Development Board, raising the total number of nonvoting members to 12. The new members include a representative from the vocational rehabilitation community; a representative from the Department of Education; a representative from the Department of Economic Development; and a representative from the U.S. Department of Labor, Office of Apprenticeship.

[SENATE FILE 137](#) - Civil Rights and Employment Practices — Wage Discrimination

BY COMMITTEE ON STATE GOVERNMENT. This Act provides that discrimination against any employee on the basis of pay because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such employee is an unfair employment practice under the Iowa Civil Rights Act. The Act provides that an unfair or discriminatory practice occurs relative to wage discrimination when a discriminatory pay decision is made; when an individual becomes subject to a discriminatory pay decision; or when an individual is affected by application of a discriminatory pay decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or practice. It shall be an affirmative defense to a claim if payment of wages is made pursuant to a seniority system; a merit system; a system which measures earnings by quantity or quality of production; or is based on any other factor other than the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such employee. The Act does not apply to employers who regularly employ fewer than four individuals. Reducing the wage rate of an employee does not remedy any potential violation for wage discrimination.

The Act authorizes the Civil Rights Commission to award damages to a person subject to wage discrimination in an amount double the wage differential paid to any other employee compared to the complainant for the period of time for which the complainant has been discriminated against, and, in instances of willful violation, up to three times that wage differential amount.

[SENATE FILE 197](#) - Unemployment Compensation and Benefits

BY COMMITTEE ON LABOR AND BUSINESS RELATIONS. This Act relates to unemployment insurance benefits and brings Iowa into compliance with federal law in order to receive additional federal funds. Training extension benefits are established for an individual separated from a declining occupation or who has lost a job due to permanent reductions in operations. This change applies to any week of unemployment benefits that begins on or after July 5, 2009.

An individual who worked part-time a majority of the weeks of work prior to losing the individual's job is not required to be available for, seek, or accept full-time employment in order to receive unemployment benefits.

An alternate method of calculating the base period, which determines the monetary attachment-to-the-workforce eligibility of individuals for unemployment benefits, is provided for cases where the current method of calculation makes an individual ineligible for unemployment benefits. The base period is moved closer, by one quarter, to the benefit claim filing date so that the base period would consist of the first four calendar quarters immediately preceding the calendar quarter in which the claim for unemployment benefits is filed if doing so would qualify the individual for benefits. This change applies to any new claim of benefits with an effective date on or after July 5, 2009.

Employer charges for unemployment claims stemming from temporary workers who have replaced active-duty military employees are waived. The account of an employer will not be charged if benefits are paid to an individual who is laid off as a result of the return to work of a permanent employee who was ordered to duty and completed that duty as a member of the National Guard, the reserve forces of the United States, or the Civil Air Patrol.

Any funds received from the federal government due to the Act's enactment are appropriated by the General Assembly to the Department of Workforce Development to be placed in the Unemployment Compensation

Trust Fund. The computation date in Code Section 96.19(8) is delayed until federal funds are received but only until September 5, 2009, if the funds are not received by then.

SENATE FILE 318 - Public Safety Regulations — Conveyances and Amusement Rides

BY COMMITTEE ON LABOR AND BUSINESS RELATIONS. This Act pertains to the duties and regulations under the purview of the Labor Commissioner. The Act increases the insurance policy minimums needed to obtain an operator's permit under Code Chapter 88A, relating to amusement ride safety. The policy amount for bodily injury, death, or property damage in any one incident is raised to \$1 million.

The Act also directs the Elevator Safety Board to adopt rules regarding the submission of plans, drawings, and measurements concerning new conveyance installations and alterations. The Act allows the commissioner to determine the form of an application for an installation permit for a new conveyance. An application is required to be submitted to and approved by the commissioner before an installation permit for a conveyance is issued.

SENATE FILE 482 - Volunteer Service Programs

BY COMMITTEE ON WAYS AND MEANS. This Act relates to youth employment programs administered by the Commission on Volunteer Service by establishing the Iowa Summer Youth Corps and Green Corps programs, and by excluding certain payments provided to an AmeriCorps volunteer from state income tax.

The commission is part of the Office of the Governor and is housed at the Department of Economic Development. The Iowa Summer Youth Corps Program is established under the authority of the commission to provide meaningful summer enrichment programming to Iowa youth and shall be implemented by issuing competitive grants for projects. Participating youth are to be engaged with various specified service-learning activities, including "summer of service" projects for youth who will be entering grades 6 through 12. Any funding available in the Community Programs Account is appropriated to the commission for the Iowa Summer Youth Corps Program and the Green Corps Program also created by the Act.

A participant in the Iowa Summer Youth Corps Program is exempt from state merit system requirements and is not eligible to receive unemployment compensation benefits. If a stipend is provided, the participant must be age 14 through 18. If a project uses funding for an AmeriCorps young adult component, participation in the component is limited to young adults who are age 16 through 24 at the time of enrollment.

The commission is required to collaborate with the Department of Natural Resources and the Department of Workforce Development, and the Iowa Utilities Board, to establish an Iowa Green Corps program. The program is required to use AmeriCorps or Iowa Summer Youth Corps Program volunteers to provide capacity building activities, training, and implementation of major transformative projects in communities. The project selection is required to emphasize energy efficiency, historic preservation, neighborhood development, and storm water reduction and management. The capacity-building activities are required to be targeted to communities that are already working with existing community improvement programs and may include disaster remediation activities.

A state individual income tax exemption is provided for federal Segal AmeriCorps education award payments. This provision takes effect and is applicable on January 1, 2010, for tax years beginning on or after that date.

The remainder of the Act takes effect May 26, 2009.

HOUSE FILE 618 - Enforcement of Wage Payment Collection and Child Labor Laws

BY COMMITTEE ON LABOR. This Act amends several provisions relating to the duties of the Labor Commissioner pursuant to wage payment collection penalties and child labor law enforcement and penalties.

Division I — Wage Payment Collection Penalties

Division I of the Act changes the penalty for violating provisions of Code Chapter 91A, governing wage payment collection, or rules promulgated under the Code chapter, from \$100 to \$500, and allows the penalty to be assessed per pay period for each violation.

Division II — Child Labor Violation Penalties

Division II of the Act makes several changes to Code Chapter 92 governing child labor laws. The Act allows the commissioner to use federal documents to verify the age of a child in order for a child to obtain a child labor permit. The level of liability necessary for a violation under Code Chapter 92 is changed from willful to negligent violation. The criminal penalties for a child labor violation are increased from a simple misdemeanor to a serious misdemeanor. As to civil penalties, the Act requires the commissioner to define civil penalty amounts by rule and also authorizes the commissioner to assess a civil penalty of up to \$10,000 for each violation of Code Chapter 92 or any rules adopted pursuant to the Code chapter. Any penalties that the commissioner receives under Code Chapter 92 shall be remitted by the commissioner for deposit in the General Fund of the State.

HOUSE FILE 720 - Boilers and Pressure Vessels — Inspections — Regulatory Oversight

BY COMMITTEE ON LABOR. This Act extends from two years to four years the internal inspection schedule of certain boilers and pressure vessels if the owner or user is a participant in good standing in the Department of Workforce's Iowa Occupational Safety and Health Voluntary Protection Program and has achieved star status within the program. The Act also alters the Boiler and Pressure Vessel Board membership by requiring one member to represent boilermakers from a certified employee organization and by reducing members representing steamfitters from certified employee organizations from two to just one representative.

LOCAL GOVERNMENT

- [SENATE FILE 45](#) - General County Purpose Bonds — Notice and Election Procedures
- [SENATE FILE 288](#) - Recorded Documents and Instruments — Contents, Fees, and Indexing
- [SENATE FILE 291](#) - Certified Retirement Communities
- [SENATE FILE 415](#) - Property Rights, Disaster Recovery, and Abandoned Property
- [SENATE FILE 437](#) - Local Government — Public Records and Meetings — Pioneer Cemeteries
- [SENATE FILE 441](#) - Statewide Mutual Aid Compact and Local Emergency Management
- [SENATE FILE 457](#) - Disaster Recovery and Remediation — Expenditures — Financing
- [SENATE FILE 465](#) - Identity Theft Protection, Recorded County Documents, and County Recorder Fees
- [HOUSE FILE 243](#) - Local Government Boards, Commissions, Committees, and Councils — Gender Balance
- [HOUSE FILE 260](#) - County, City, and Memorial Hospital Operations and Administration
- [HOUSE FILE 420](#) - Civil Service Employment
- [HOUSE FILE 496](#) - Fair Event Real Estate — Gifts From Cities
- [HOUSE FILE 552](#) - Appointment of Airport Commissioners
- [HOUSE FILE 671](#) - Public Safety — Communications and Emergency Services
- [HOUSE FILE 759](#) - Flood Hazard Area Insurance Requirements

RELATED LEGISLATION

- [SENATE FILE 43](#) - Property Tax Abatements or Refunds — Religious, Literary, or Charitable Society
SEE TAXATION. This Act requires the board of supervisors of a county having a population of more than 21,000 but not more than 21,300, upon receipt of an appropriate application, to abate or refund the property taxes owed, with all interest, fees, and costs, which were due and payable during the fiscal years beginning July 1, 2007, and July 1, 2008, on the land and buildings of a religious, literary, or charitable society that did not receive a property tax exemption due to the inability or failure to file for the exemption in a timely manner. The Act takes effect April 15, 2009, and applies retroactively to property taxes due and payable in the fiscal years beginning July 1, 2007, and July 1, 2008.
- [SENATE FILE 44](#) - 2008 Disaster Relief Funding — Local Options Sales and Services Tax
SEE TAXATION. This Act relates to the imposition of a local option sales and services tax after a disaster. The Act takes effect February 2, 2009.
- [SENATE FILE 52](#) - Ethics Regulation
SEE ELECTIONS, ETHICS, AND CAMPAIGN FINANCE. This Act relates to ethics regulations for the executive branch, legislative branch, and local officials and employees.
- [SENATE FILE 118](#) - Judicial Procedure and Administration — Miscellaneous Provisions
SEE CIVIL LAW, PROCEDURE, AND COURT ADMINISTRATION. This Act equalizes the maximum fine for a county or municipal ordinance violation with a simple misdemeanor. The Act also strikes provisions relating to requiring the clerk of the district court to keep a cemetery record book.
- [SENATE FILE 150](#) - Claims Against Special Charter Cities — Limitations
SEE CIVIL LAW, PROCEDURE, AND COURT ADMINISTRATION. This Act eliminates certain notice of claim requirements in order to sustain certain tort actions against a

special charter city and further specifies that all such lawsuits against a special charter city must be brought within two years after the alleged injury or damage.

[SENATE FILE 204](#)

- Administration of Services for Aging and Dependent Adults
SEE HUMAN SERVICES. This Act relates to the Department of Elder Affairs and the provision of social services for older lowans. The Act also contains provisions relating to local long-term care resident's advocate programs and local offices of substitute decision makers.

[SENATE FILE 207](#)

- Iowa Finance Authority — Miscellaneous Changes
SEE ECONOMIC DEVELOPMENT. This Act relates to housing programs under the Iowa Finance Authority.

[SENATE FILE 209](#)

- Public Safety and Law Enforcement Practices and Procedures
SEE STATE GOVERNMENT. This Act provides that upon request of a law enforcement agency, the court may order that a portion of a controlled substance subject to a forfeiture and destruction become the possession of the requesting law enforcement agency for the sole purpose of canine-controlled substance detection training.

[SENATE FILE 254](#)

- County Commissions of Veteran Affairs — Activities Reporting
SEE PUBLIC DEFENSE AND VETERANS. This Act requires the Department of Veterans Affairs to annually prepare and submit a report to the Governor and the General Assembly by August 31 relating to certain activities of county commissions of veteran affairs.

[SENATE FILE 280](#)

- Emergency Assistance Immunity — Disasters
SEE PUBLIC DEFENSE AND VETERANS. This Act relates to disaster emergency assistance immunity.

[SENATE FILE 328](#)

- Hazardous Substance Cleanup — Costs and Reimbursement
SEE ENVIRONMENTAL PROTECTION. This Act relates to the reimbursement of hazardous substance cleanup costs.

[SENATE FILE 339](#)

- Water and Wastewater Treatment
SEE ENVIRONMENTAL PROTECTION. This Act relates to wastewater treatment.

[SENATE FILE 340](#)

- Sex Offender Registry
SEE CRIMINAL LAW, PROCEDURE, AND CORRECTIONS. This Act voids any motion, resolution, or ordinance adopted by a local government regulating the residency location of a sex offender or the exclusion of a sex offender from certain real property. The Act also voids any enforcement action taken by a local government regulating such restrictions.

[SENATE FILE 376](#)

- Iowa Jobs Program, Bonding, Miscellaneous Appropriations and Reductions, and Other Miscellaneous Changes
SEE ECONOMIC DEVELOPMENT. This Act creates an Iowa Jobs Program, an Iowa Jobs Board, and an Iowa Jobs Fund; authorizes the issuance of bonds including tax-exempt bonds; and makes and revises appropriations. Division VI of the Act expands the authority of counties to bond for capital projects for the construction, reconstruction, improvement, repair, or equipping of bridges, roads, and culverts if the projects relate to damage caused by certain man-made or natural disasters or if the projects are designed to prevent or mitigate damage from such future disasters. The Act takes effect May 14, 2009.

[SENATE FILE 380](#)

- Public Safety — Gambling and Gaming Restrictions, Interception of Communications, and Peace Officer Activities
SEE CRIMINAL LAW, PROCEDURE, AND CORRECTIONS. This Act creates a state criminal offense prohibiting a person under 21 years of age from entering or

attempting to enter the gaming floor or wagering area of a facility licensed under Code Chapter 99D to operate gambling games.

[SENATE FILE 430](#)

- Statutory Boards, Commissions, Councils, and Committees — Legislative Appointments **SEE STATE GOVERNMENT.** This Act relates to appointments to statutory boards, commissions, and councils that involve the General Assembly and includes a change in the terms of public members appointed by legislative leaders to the Local Government Innovation Commission.

[SENATE FILE 449](#)

- Substantive Code Corrections **SEE STATE GOVERNMENT.** This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities in provisions relating to eminent domain; municipal tax rates and levies; public improvement contracts; aviation authorities; county and city civil zoning actions and proceedings; city housing codes; city utility or enterprise services; county veteran affairs commissions and veterans benefits; local boards of health; and area agencies on aging.

[SENATE FILE 475](#)

- Appropriations — Justice System **SEE APPROPRIATIONS.** This Act makes appropriations for the justice system and includes related provisions. The Iowa Law Enforcement Academy for FY 2009-2010 is authorized to charge a department of state, a member of a police force, or any political subdivision of the state more than one-half of the cost to provide the basic training course for a law enforcement officer, provided a majority of the Iowa Law Enforcement Council approves such a charge.

[SENATE FILE 478](#)

- State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes **SEE APPROPRIATIONS.** This Act makes, reduces, and transfers appropriations; provides salaries and compensation of state employees; and covers other properly related matters. Division VIII establishes requirements for proposed public improvement projects, relates to compensation for boards of supervisors, and allows counties to be eligible for local watershed improvement grants. Division VIII prohibits a county from performing electrical inspections on a farm or farm residence, and provides county boards of supervisors with greater authority over compensation paid to supervisors and other elected county officers. Division XXIII relates to city franchise fees and city utilities.

[SENATE FILE 484](#)

- Boarding Home Regulation and Protection of Dependent Adults **SEE HEALTH AND SAFETY.** This Act relates to regulatory requirements involving boarding homes and dependent adults. It includes provisions providing for an interagency response to allegations involving boarding homes and for cooperative training among the state and local agencies performing inspections and visiting residential settings where dependent adults live.

[HOUSE FILE 64](#)

- Disaster Assistance — Appropriations, Grants, and Administration **SEE APPROPRIATIONS.** This Act relates to disaster assistance by providing for Jumpstart Housing Assistance, unmet needs disaster grants, a Rebuild Iowa Office, and community disaster grants.

[HOUSE FILE 256](#)

- Property Tax Sales — Bidders and Owners of Tax Sale Certificates **SEE TAXATION.** This Act provides that a bidder at a tax sale for delinquent property taxes or the holder of a tax sale certificate must meet the statutory definition of "person" and must meet certain registration and identification requirements. The Act takes effect March 13, 2009, and applies to tax sales held on or after June 1, 2009.

- [HOUSE FILE 283](#) - County Commissions of Veteran Affairs — Executive Director or Administrator Services
SEE PUBLIC DEFENSE AND VETERANS. This Act amends legislation enacted in 2008 relating to administration of the County Commissions of Veteran Affairs Fund and the hours of service requirement for county commissions of veteran affairs executive directors and administrators, which become effective on July 1, 2009.
- [HOUSE FILE 414](#) - Appropriation Reductions, Transfers, and Supplementals
SEE APPROPRIATIONS. This Act primarily relates to public funding and regulatory matters for FY 2008-2009 by revising and supplementing existing appropriations. It includes supplemental appropriations for the Department of Human Services for distribution to counties for adult mental health, mental retardation, and developmental disabilities property tax relief and services to restore a uniform reduction in appropriations made by the Governor under Executive Order Number 10 issued on December 22, 2008, and repeals the Local Government Innovation Commission and Fund effective July 1, 2010.
- [HOUSE FILE 468](#) - Unsewered Community Revolving Loan Program
SEE ENVIRONMENTAL PROTECTION. This Act creates an Unsewered Community Revolving Loan Program and Fund.
- [HOUSE FILE 477](#) - Real Estate Declaration of Value Forms — Social Security and Tax Identification Numbers
SEE TAXATION. This Act provides for the confidentiality of the social security number or federal identification number of a buyer or seller included on a declaration of value form required to be submitted to a county recorder upon the conveyance of real estate for purposes of calculating the amount of the real estate transfer tax.
- [HOUSE FILE 756](#) - Watershed, Land Use, and Floodplain Management
SEE NATURAL RESOURCES AND OUTDOOR RECREATION. This Act provides for regional watershed, land use, and floodplain management policies, and provides that the Department of Natural Resources' authority to control floodplains does not limit the authority of a city or county to adopt an ordinance regulating a junkyard located within a 500-year floodplain.
- [HOUSE FILE 762](#) - Reserve Peace Officers
SEE CRIMINAL LAW, PROCEDURE, AND CORRECTIONS. This Act relates to reserve peace officer training requirements for a person appointed to serve as a reserve peace officer who has met certain training requirements prior to July 1, 2007.
- [HOUSE FILE 811](#) - Appropriations — Health and Human Services
SEE APPROPRIATIONS. This Act relates to and makes appropriations for health and human services for FY 2009-2010 and includes numerous provisions involving local government, including funding for adult mental health, mental retardation, and developmental disabilities; services administered by counties; community empowerment areas; and local public health authorities; and enacts the Iowa Public Health Modernization Act.
- [HOUSE FILE 820](#) - Federal Block Grant Appropriations and Other Federal Funding
SEE APPROPRIATIONS. This Act appropriates federal block grant, federal American Recovery and Reinvestment Act of 2009 (ARRA), and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, and for the state fiscal year beginning July 1, 2009, and ending June 30, 2010. The Act includes ARRA funding for the Street Construction Fund of the Cities and the Secondary Road Fund of the Counties and for adult mental health, mental retardation, and developmental disabilities services administered by counties.

LOCAL GOVERNMENT

[SENATE FILE 45](#) - General County Purpose Bonds — Notice and Election Procedures

BY COMMITTEE ON LOCAL GOVERNMENT. This Act makes changes relating to the issuance of certain county general obligation bonds.

The ballot proposition language relating to the issuance of county general obligation bonds is modified to remove the requirement that the total cost of the project be stated on the ballot.

A county is required to publish notice of the proposal to issue general obligation bonds that require approval at election. The notice must be published with the minutes of the meeting at which the board of supervisors adopts a resolution to call a special election on issuance of the bonds.

The Act legalizes and validates the issuance of general obligation bonds approved at an election held prior to February 16, 2009, with respect to the amount of the bond issuance stated on the ballot proposition, if the project cost on February 16, 2009, does not exceed 110 percent of the project cost stated on the ballot proposition. A county board of supervisors is required to adopt a resolution stating project compliance and its intention to proceed with the project.

The Act takes effect February 16, 2009.

[SENATE FILE 288](#) - Recorded Documents and Instruments — Contents, Fees, and Indexing

BY COMMITTEE ON LOCAL GOVERNMENT. This Act makes changes relating to the office of county recorder. For certain documents filed with the county recorder, the county recorder must endorse upon each document or instrument, in addition to other information, the document reference number. The Act incorporates the document management fee and the electronic transaction fee into the other existing recording and filing fee provisions under Code Section 331.604.

The Act requires certain indexes under the control of the county recorder to include applicable entries required to be made for conveyances of property, repeals certain Code provisions pertaining to private drainage system plat books and record books, and directs such records to be maintained in accordance with the index requirements of other indexes maintained by the county recorder.

The Act allows a county recorder to refuse to record a document or instrument that does not conform to the format standards pertaining to legibility, signatures, and the printing of names on the document or instrument and exempts certain documents relating to conveying property from the county recorder's duty to refuse to record such documents until a declaration of value has been submitted.

The Act requires a county recorder to collect recording fees for recording a declaration of a horizontal property regime, collect recording fees upon the recording of certain articles of incorporation; and collect recording fees for recording orders, decisions, and notices made by a fence viewer and for recording written fence agreements between adjoining landowners.

[SENATE FILE 291](#) - Certified Retirement Communities

BY COMMITTEE ON LOCAL GOVERNMENT. This Act establishes a Certified Retirement Communities Program within the Department of Elder Affairs for the recognition and promotion of communities in Iowa that have made themselves attractive destinations for retirees.

The purpose of the program is to encourage retirees to make their homes in Iowa; to help communities promote and market themselves as retirement destinations for retirees; to assist the economic development of rural communities by encouraging retirees to live, work, and volunteer there; and to encourage tourism in Iowa by enhancing the marketing of the state to retirees everywhere.

The Act creates a fund consisting of reasonable fees paid by applicants to the program. Moneys in the fund may be used by the department for purposes of administering the program. Moneys in the fund do not revert to the General Fund of the State and interest or earnings on moneys in the fund are credited to the fund. If, in

the fiscal year beginning July 1, 2009, the department's appropriations or authorized full-time equivalent positions are reduced, the department may defer the implementation of the program.

Any community in the state is eligible to be named a certified retirement community. For purposes of the program, "community" includes but is not limited to a city, county, region, neighborhood, or district. A community can, but need not, be coterminous with a political subdivision of the state or with a particular geographic boundary. Each community applying to the program must clearly articulate how it defines community for purposes of seeking certification.

Each community seeking certification must submit an application to the department that includes the following: certain basic demographic and statistical information; information demonstrating the support and active involvement of certain entities with an interest in the future of the community; a plan describing the community's long-term care facility and service capabilities and the community's strategy for marketing the community to retirees; and a reasonable application fee determined by the department.

If the department determines that a community qualifies for certification, it issues a certificate of recognition to the community. A certification expires after five years, but the community may reapply by submitting another application.

The department is required to adopt rules for the administration of the program.

SENATE FILE 415 - Property Rights, Disaster Recovery, and Abandoned Property

BY COMMITTEE ON JUDICIARY. This Act authorizes a city to petition a court to enter judgment awarding title to a "disaster-affected abandoned building," as defined in the Act, located in the city. The city is required to attempt to notify the owner and other specified interest holders of the property by certified mail of the city's intent to acquire the property at least 30 days prior to filing a petition and to post the notice in a conspicuous place on the building.

The Act requires the petition to be filed not later than December 31, 2010, and specifies the requirements for providing notice of the petition to the owner and other respondents. The petition is required to set forth all public nuisance conditions existing on the property, the fair market value of the property on the date the petition is filed as determined by an appraisal prepared for the city, the amount of delinquent property taxes or special assessments on the property, and evidence that the city attempted to notify the owner and interest holders prior to filing the petition. The Act also provides a list of factors for the court to consider when determining if the property is a disaster-affected abandoned building.

The city is required to provide notice of a hearing, if a hearing is requested. The court is required to dismiss the petition if the property owner submits a written request for a dismissal. The court may award title to the property to the city if all notice requirements are satisfied and the respondents have consented to the entry of such an order.

If the city is awarded title to the property, the city is required to pay an award of damages to the respondents, and such title is awarded free and clear of any claims, liens, or encumbrances held by the respondents. The award is required to be equal to the fair market value of the property in its current condition. The Act authorizes the city to take possession of the property, and title to the property passes to the city upon deposit of the award with the clerk of the district court. Notice of the deposit of the award with the clerk of the district court must be provided to all respondents.

The court retains jurisdiction of the action to determine the priority of liens and other interests of each respondent in the amount deposited with the clerk of the district court. If the amount deposited with the clerk of the district court is not claimed within two years of the date of deposit, the clerk of the district court is required to transfer the money to the city for deposit in the city's property rights defense fund or the city's general fund.

SENATE FILE 437 - Local Government — Public Records and Meetings — Pioneer Cemeteries

BY COMMITTEE ON LOCAL GOVERNMENT. This Act relates to a number of functions performed by and

regulations administered by governmental entities, including a county board of supervisors or bodies associated with a board of supervisors, such as the governing body of drainage and levee districts and townships; and a body created by so-called 28E entities.

OPEN MEETINGS — DRAINAGE AND LEVEE DISTRICTS, BODIES CREATED BY 28E ENTITIES, AND BOARDS OF TOWNSHIP TRUSTEES. The Act expressly provides that two types of public entities are considered a "governmental body" for purposes of Code Chapter 21, the Open Meetings Law: (1) the governing body of a drainage or levee district organized under Code Chapter 468, and (2) a body created by an entity organized by agreement between a public agency and one or more private or public agencies carrying out a joint action under Code Chapter 28E. The governing body of a drainage or levee district includes a board of supervisors, a joint board of supervisors in the case of intercounty levee or drainage districts, or a board of trustees in the case of a district under trustee management. Code Chapter 21 requires prior notice of a meeting of the governing body and, with certain exceptions, allows members of the public to attend the meeting. The Act was amended in S.F. 478 (see Appropriations) to correct a technical error.

Code Section 21.4 provides that a board of township trustees is not required to provide prior public notice of a meeting. Instead, alternative notice provisions for boards of township trustees are included in Code Chapter 359. Code Section 359.17 provides that notice of a board of township trustees meeting is only required when the trustees are to discuss or act upon a matter involving the township's budget, a township tax levy, or township fire or emergency medical service. The Act reduces the period when notice must be provided from 48 hours to 24 hours (the same time period as provided in Code Section 21.4) and eliminates an exception to the notice requirement for a meeting conducted to discuss ministerial matters relating to providing fire or emergency medical service.

OPEN RECORDS — DRAINAGE AND LEVEE DISTRICTS. The Act expressly provides that the governing body of a drainage or levee district organized under Code Chapter 468 is a "government body" for purposes of Code Chapter 22, the Open Records Law. Code Chapter 22 provides that with certain exceptions, a member of the public may examine, copy, and disseminate records in the governing body's custody.

PIONEER CEMETERIES. The Act redefines "pioneer cemetery" to include cemeteries where there were 12, instead of six, or fewer burials in the preceding 50 years. A pioneer cemetery is under the control of a county board of supervisors (Code Section 331.325), is not subject to separation distance requirements otherwise benefiting cemeteries in proximity to a confinement feeding operation (Code Section 459.202), and is not subject to regulation by the Commissioner of Insurance (Code Section 5231.102).

[SENATE FILE 441](#) - Statewide Mutual Aid Compact and Local Emergency Management

BY COMMITTEE ON LOCAL GOVERNMENT. This Act relates to local emergency management by making changes to provisions of the Statewide Mutual Aid Compact.

The Act includes emergency management commissions as participating governments that are part of the Statewide Mutual Aid Compact. A participating government is the entity that may request assistance under the compact. However, such inclusion does not convey taxing authority or other legal authority not otherwise granted to emergency management commissions.

The Act defines the term "authorized representative of a participating government" to be a mayor or the mayor's designee, a member of the county board of supervisors or a representative of the board, or an emergency management coordinator or the coordinator's designee.

Previously, the compact was an "opt-in" compact where a participating government passes an ordinance or resolution adopting the compact. The Act changes the compact to an "opt-out" compact where the compact automatically applies to all emergency management commissions, counties, cities, and other political subdivisions in the state and a participating government may opt out of participation through the adoption of an ordinance or resolution.

SENATE FILE 457 - Disaster Recovery and Remediation — Expenditures — Financing

BY COMMITTEE ON WAYS AND MEANS. This Act relates to disaster recovery efforts of local governments and certain other governmental entities.

Division I — Legalizing Act

Division I of the Act provides that all proceedings conducted or actions taken by or on behalf of a city or county related to the emergency repair or reconstruction of public improvements damaged by a natural disaster during the period of time beginning May 1, 2008, and ending August 31, 2008, and related to all natural disaster-related expenditures by a city or county in excess of an original or previously amended city or county budget for the fiscal year ending June 30, 2008, that were conducted or taken in violation of the requirements of Code Section 331.435, 331.437, or 384.18, prior to May 12, 2009, are legalized and validated. The division requires the Iowa League of Cities and the Iowa State Association of Counties to each submit a report that includes a summary of the circumstances and actions taken by those cities or counties that are subject to this division.

Division I takes effect May 12, 2009, and applies retroactively to the date of any proceeding or action legalized and validated under the division.

Division II — Local Financing and Public Construction Bidding

Division II amends the definitions of "essential corporate purpose" and "essential county purpose" to include the remediation, restoration, repair, cleanup, replacement, and improvement of property, buildings, equipment, and public facilities that have been damaged by a declared disaster and the reimbursement of a city or county general fund or other funds for expenditures made related to remediation, restoration, repair, and cleanup of damage caused by a declared disaster. The division requires general obligation bonds issued for these new disaster-related purposes to be issued within 10 years of the disaster proclamation, and allows such bonds, and bonds issued to refund or refinance those bonds, to mature and be retired in a period not exceeding 30 years from the date of issue. Proceedings to issue bonds for these disaster-related purposes in an amount of \$3 million or more are subject to reverse referendum by voters of the city or county, as applicable, if a petition meeting certain criteria is filed before issuance of the bonds is approved by the city council or county board of supervisors.

The division amends the definition of "project" under Code Section 419.1, relating to municipal funding of certain projects, to include purposes that, in addition to the use of tax-exempt financing, include any other financing necessary or desirable in connection with the project and to include purposes that are eligible for financing from Midwestern Disaster Area Bonds under the federal Emergency Economic Stabilization Act of 2008. This change also applies to the Iowa Finance Authority's Bond Bank Program under Code Section 16.102. The division also repeals Code Section 419.8, which restricts the use of land owned by the municipality for a project and requires the entire cost of any project to be paid out of the proceeds from the sale of bonds issued under Code Chapter 419 and not from any other funds of the city, except for donations of property or money received by the city to be used as a part of a project.

The division amends procedures for certain emergency repairs under Code Section 384.103 by specifying the roles and duties of the governing body and the chief officer or chief official of the governing body, and by providing that upon receiving the certificate from a qualified engineer or architect, the chief officer or official of the governing body, or the governing body, may accept, enter into, and make payment under a contract for emergency repairs without satisfying the advertising and public hearing requirements of Code Chapter 26.

The division authorizes a joint board of an entity created in an agreement under Code Chapter 28E that is responsible for the operation of a public facility or public improvement to undertake emergency repair of the public facility or the public improvement using the procedure in Code Section 384.103, as amended by the division.

The division authorizes the Executive Director of the State Board of Regents, or the board, to authorize, adopt, and implement emergency public bidding and contract letting requirements if a delay in undertaking a repair,

restoration, or reconstruction of a public improvement might cause serious loss or injury at an institution under the control of the board.

The division amends city and county requirements for lease or lease-purchase contracts and loan agreements by specifying that such contracts or agreements may not be authorized if the contract or agreement would cause payments from the city or county general fund to exceed 10 percent of the last city or county certified general fund budget unless certain procedures are followed.

The division provides that moneys received under the federal American Recovery and Reinvestment Act of 2009 and deposited in the revolving loan funds created under Code Section 455B.295, relating to clean water projects, may be used in any manner permitted or required by applicable federal law.

Division II takes effect May 12, 2009.

Division III — Disaster Revitalization Areas

Division III authorizes cities and counties to designate a disaster revitalization area if the area is within a county or portion of a county declared a disaster area. The division establishes requirements and procedures that must be met prior to establishing a disaster revitalization area, including certain findings that must be adopted by resolution, the preparation of a proposed plan for the disaster revitalization area, a public hearing, and certain public and individual notices.

The division provides that all real property within a disaster revitalization area is eligible to receive a 100 percent exemption from taxation on the increase in assessed value of the property, as compared to the property's assessed value on January 1, 2007, if the increase is attributable to revitalization of the property occurring between May 25, 2008, and December 31, 2013. The exemption is available for a period not to exceed five years, starting with the assessment year beginning on January 1, 2010. A city or county may adopt a different tax exemption percentage, so long as the exemption percentage applies to every disaster revitalization area within that jurisdiction. Property owners are prohibited from utilizing multiple tax exemptions for the same increase in assessed value.

The division sets forth the exemption application process and provides that if a tax exemption is granted, the local assessor shall grant the exemption for succeeding years, with periodic physical review by the assessor, but without the taxpayer needing to file an application for the succeeding years, unless additional revitalization projects occur on the property.

An ordinance establishing a disaster revitalization area and tax exemption shall expire or be repealed no later than December 31, 2016.

Division III takes effect May 12, 2009.

Division IV — Disaster Recovery Housing Project Tax Credit

Division IV establishes an income tax credit for a qualifying investment in a disaster recovery housing project to be applied against individual or corporate income tax liability. To qualify as a disaster recovery housing project, a property and the activities affecting the property must meet certain conditions, including the following: the project involves the construction or rehabilitation of housing on the property; the property is located in an area that was declared a disaster area between May 1, 2008, and August 31, 2008; an application for federal low-income housing tax credits has been submitted to the Iowa Finance Authority; the project meets the requirements for residential housing density; the project meets the requirements for availability and accessibility of educational services; and the project is designed to avoid, prevent, or mitigate the effects of a future natural disaster.

The tax credit equals 75 percent of the taxpayer's qualifying investment in a disaster recovery housing project. A "qualifying investment" means the costs incurred by the taxpayer that are directly related to a disaster recovery housing project, and which are incurred on or after May 12, 2009, and prior to July 1, 2010. The

amount of the tax credit is required to be divided by five and applied equally to the taxpayer's tax liability for five consecutive tax years beginning in the 2011 calendar year. The tax credit is not refundable. The total amount of tax credits is \$3 million in each of the five tax years. The tax credits are issued on a first-come, first-served basis.

Division IV takes effect May 12, 2009, and applies to disaster recovery housing project costs incurred on or after May 12, 2009, and before July 1, 2010.

[SENATE FILE 465](#) - **Identity Theft Protection, Recorded County Documents, and County Recorder Fees**
BY COMMITTEE ON WAYS AND MEANS. This Act amends provisions relating to the duties and authority of county recorders and the County Land Record Information System.

The Act requires each county to participate in the County Land Record Information System and comply with the policies and procedures established by the governing board of the County Land Record Information System.

The Act increases the electronic transaction fee from \$1 per recorded transaction to \$3 for transactions recorded between July 1, 2009, and June 30, 2011. However, the electronic transaction fee for recording a plat of survey shall continue to be \$1. The electronic transaction fee for transactions recorded on or after July 1, 2011, is lowered back to \$1. The Act specifies the purposes for which electronic transaction fees may be used.

The governing board of the County Land Record Information System is prohibited from entering into an agreement to provide access to electronic documents or records on a batch basis, as defined in the Act. However, a county recorder is authorized to provide access to electronic documents and records pursuant to an agreement and to collect reasonable fees for such access if the electronic documents and records are subjected to a redaction process prior to transfer.

The Act requires the redaction of all personally identifiable information contained in electronic documents that are displayed for public access on a website, or which are transferred to any person, prior to displaying or transferring the electronic documents. Systems and procedures for redacting personally identifiable information must be implemented by December 31, 2011. Certain recorded documents and certificates are exempted from the prohibition on inclusion of personally identifiable information and the requirements for redaction. A county recorder is required to permanently archive an unaltered version of each recorded document or instrument, and such documents and instruments may be viewed or copied in the office of the recorder.

The Act requires a county recorder to refuse any document or instrument presented for recording that contains personally identifiable information, unless the person pays an additional \$10 fee per document or instrument.

The Act designates the County Land Record Information System as a unit of local government for purposes of Code Chapter 670, relating to tort liability of governmental subdivisions. However, persons who have contracted with the governing board of the County Land Record Information System are excluded from such liability protection.

The Act requires the governing board of the County Land Record Information System to submit a report to the General Assembly on or before January 1, 2012. The report must include information related to redaction efforts, certain accounting and expenditure information, and an analysis and recommendation regarding the continuance or discontinuance of the electronic transaction fee.

Senate File 478 (see Appropriations) requires the governing board of the county land record information system to terminate any existing contract with a project manager if such termination prior to the end of the contract is permitted under the contract; and to initiate a new request for proposals for a project manager.

[HOUSE FILE 243](#) - **Local Government Boards, Commissions, Committees, and Councils — Gender Balance**

BY COMMITTEE ON STATE GOVERNMENT. This Act requires appointive boards, commissions, committees, and councils of a political subdivision of the state to be gender-balanced unless, for a period of three months, the

political subdivision has made a good faith effort to appoint, but has been unable to appoint, a qualified person in compliance with the gender balance requirement. Prior to this Act, only state boards, commissions, committees, and councils were subject to a gender balance requirement.

The gender balance requirement for political subdivisions applies beginning on and after January 1, 2012, but does not prohibit an individual whose term expires prior to that date from being reappointed even if the reappointment continues an inequity in gender balance.

[HOUSE FILE 260](#) - **County, City, and Memorial Hospital Operations and Administration**
BY COMMITTEE ON LOCAL GOVERNMENT. This Act makes changes to provisions relating to the management and operation of memorial hospitals, county hospitals, city hospitals, and city health care facilities.

The Act amends provisions relating to memorial hospital commissioners by removing the requirement that the secretary and the treasurer file a surety bond, modifying the memorial hospital commission's meeting requirements, and providing that commissioners of a memorial hospital have, in addition to the duties and powers necessary to manage the hospital, all of the applicable powers and duties under other chapters of the Code necessary to provide certain services.

The Act amends provisions relating to county hospital property tax levies, conflicts of interest for county hospital trustees, appointments made to the board of hospital trustees, surety bond requirements for the secretary and treasurer of the board of hospital trustees, accounting practices, and the payment of claims.

Code Sections 347.13 and 347.14 contain provisions relating to the powers and duties of the board of hospital trustees. The Act strikes and rewrites these Code sections to segment them into one Code section on the duties of the board of trustees and one Code section on the powers of the board of trustees. Some provisions of these Code sections were deleted in their entirety and not rewritten into either of the new Code sections. The new Code sections also provide that if a board of trustees authorizes additional health care services, the board of trustees is granted all of the powers and duties necessary to provide those services, including duties and powers of an entity that provides such services under other provisions of the Code.

The Act requires the trustees to exercise fiduciary duties in accordance with the requirements for directors of a nonprofit corporation, requires trustees to control the hospital's funds in accordance with the Uniform Management of Institutional Funds Act, and limits county hospital investments. The Act also amends provisions relating to the board of trustees' authority to dispose of hospital property, repeals provisions that prohibit discrimination against practitioners of any recognized school of medicine, and repeals a provision allowing a patient to employ, at the patient's expense, any physician selected by the patient.

The Act amends provisions relating to trustee compensation and itemized statements of expenses, repeals certain provisions relating to the sale or lease of hospital property, and amends provisions relating to the use of property received by gift, devise, or bequest and to the use of the proceeds from the sale of such property.

The Act amends Code Section 347A.1, relating to county hospitals established through the use of revenue bonds. The Act removes the requirement of filing surety bonds by the secretary and treasurer, makes changes to financial accounting and reporting requirements, removes provisions relating to the board of hospital trustees' powers to make certain personnel decisions, and removes provisions that allow the establishment of a depreciation fund. The Act provides the board of trustees additional authority to make rules and regulations related to the management and government of the hospital and authorizes additional powers and duties relating to hospitals, nursing homes, and assisted or independent living services.

The Act amends Code Section 392.6, relating to city hospitals. The Act makes changes to the provisions relating to expanding the membership of the board of trustees, to filling vacancies on the board of trustees by appointment, and to reimbursement of expenses, and makes changes similar to those made in the Act for county hospitals.

By operation of law, changes made to certain Code sections in this Act may also apply to the management and operation of other health care facilities including memorial hospitals, county hospitals, and city hospitals and health care facilities.

HOUSE FILE 420 - **Civil Service Employment**

BY COMMITTEE ON LABOR. This Act makes several changes to Iowa's civil service law, Code Chapter 400. The Act requires the mayor to publish notice of the names of persons selected for appointment to the civil service commission no less than 30 days prior to a vote by the city council, specifies what contracting activities civil service commissioners are prohibited from, requires the names of persons administering any appointment or promotion examination to be posted in the city hall 24 hours prior to such examination, and requires the use of the certified eligible list for temporary appointments whenever possible.

Under current law, a civil service employee is required to be a resident of the state at the time of appointment or employment. The Act amends this provision by requiring the employee to become a resident of the state within two years of appointment or employment; however, employees are directed to take reasonable steps to become a resident of the state as soon as practicable. The Act also authorizes cities to set reasonable maximum travel times that police officers, fire fighters, and other critical employees may live from their place of employment, in addition to the cities' current authority to set reasonable maximum distances that such employees may live outside of the corporate limits of the city.

The Act adds "denied appointment" to the list of actions relating to a civil service position that are prohibited based upon political or religious opinions or affiliations, race, national origins, sex, or age. The Act also protects such individuals from retaliation based upon the exercise of any right enumerated in Code Chapter 400.

The Act specifies that the burden of proof is on the employer to prove neglect of duty, disobedience, misconduct, or failure to perform a duty, and specifies who may represent an employee during a hearing or trial.

HOUSE FILE 496 - **Fair Event Real Estate — Gifts From Cities**

BY COMMITTEE ON LOCAL GOVERNMENT. This Act authorizes a city to dispose of real property by gift to a fair as defined in Code Chapter 174. Current law provides that a city may not dispose of real property by gift except to a governmental body for a public purpose.

HOUSE FILE 552 - **Appointment of Airport Commissioners**

BY COMMITTEE ON TRANSPORTATION. This Act provides that a person appointed by the governing body of a city or county to serve on an airport commission may be either a resident of that city or county or a resident of a city or county in Iowa served by the airport. However, at least two members of a three-member commission and at least three members of a five-member commission must be residents of the city or county establishing the commission. Under current law, only resident voters of the city or county that establishes the airport commission may serve as members of the commission.

HOUSE FILE 671 - **Public Safety — Communications and Emergency Services**

BY COMMITTEE ON PUBLIC SAFETY. This Act provides volunteer emergency services providers protection from employment termination, provides for the membership of the Public Safety Communications Interoperability Board, and establishes requirements for changing the boundaries of an emergency response district.

The Act requires the Governor to solicit and consider recommendations from professional or volunteer public safety organizations for the Governor's appointments to the Statewide Interoperable Communications System Board. This provision takes effect May 26, 2009, and applies retroactively to March 19, 2009.

The Act establishes the Volunteer Emergency Services Providers Job Protection Act. If an employee provides written notice to the employee's public or private employer that the employee is a volunteer emergency services provider, the employer is prohibited from terminating the employment of the employee who is absent from or late to work due to the employee's service as a volunteer emergency services provider. The employer may

deduct an amount of regular pay from the employee's wages for any time away from work the employee misses as a result of voluntary service. The employer may require the employee to provide written verification of the employee's voluntary service. An employer shall determine whether an employee may leave work to respond to an emergency.

A volunteer emergency services provider whose employment is terminated in violation of the Act may bring a civil action against the employer within one year of the termination. The employee may seek reinstatement of employment, back wages, benefits, and reinstatement of seniority. A successful employee may recover reasonable attorney fees and court costs.

The Act amends Code Section 357J.4, within the "Emergency Response Districts" Code chapter, to establish requirements that must be met before a district's boundary lines can be changed, and specifies when such changes are effective. This provision takes effect May 26, 2009, and applies retroactively to July 1, 2008.

HOUSE FILE 759 - Flood Hazard Area Insurance Requirements

BY COMMITTEE ON REBUILD IOWA AND DISASTER RECOVERY. This Act requires all counties and cities in Iowa that have an identified special flood hazard area within their political boundaries to meet certain requirements for participation in the National Flood Insurance Program. A city or county that currently has an effective flood insurance rate map or flood hazard boundary map published by the Federal Emergency Management Agency that identifies such an area must meet those participation requirements on or before June 30, 2011. A city or county that does not currently have such an identified special flood hazard area has 24 months from the effective date of any future flood insurance rate map or flood hazard boundary map that is published to meet the participation requirements. State participation in funding financial assistance for a flood-related disaster in a city or county is contingent upon the city or county participating in the National Flood Insurance Program pursuant to the terms, conditions, and deadlines contained in the Act.

The Commissioner of Insurance, in collaboration with the Rebuild Iowa Office and the Homeland Security and Emergency Management Division of the Iowa Department of Public Defense, is required to develop recommendations about policies and incentives to expand the availability and procurement of flood insurance in the state and make a report to the chairperson and ranking member of the Iowa Senate Rebuild Iowa Committee and the Iowa House of Representatives Rebuild Iowa and Disaster Recovery Committee by November 15, 2009.

NATURAL RESOURCES AND OUTDOOR RECREATION

- [SENATE FILE 187](#) - Deer Hunting Licenses for Nonambulatory Persons
- [HOUSE FILE 722](#) - Natural Resources — Conservation and Recreation Activities
- [HOUSE FILE 756](#) - Watershed, Land Use, and Floodplain Management
- [H.J.R. 1](#) - Proposed Constitutional Amendment — Natural Resources and Outdoor Recreation Trust Fund

RELATED LEGISLATION

- [SENATE FILE 467](#) - Appropriations — Agriculture and Natural Resources
SEE APPROPRIATIONS. This Act relates to agriculture and natural resources by making appropriations for FY 2009-2010 to support related entities, including the Department of Natural Resources. The Act appropriates moneys to the department to support the department's administration, regulation efforts, and a wide variety of programs, including for public lands and waters and wildlife; and provides moneys to support specific programs or projects administered by the department from a number of sources, including the General Fund of the State, the Fish and Game Protection Fund, and the Special Snowmobile Fund.
- [SENATE FILE 478](#) - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act makes, reduces, and transfers appropriations; provides salaries and compensation of state employees; and covers other properly related matters. Division VIII requires that certain real property at the Glenwood State Resource Center be transferred to the jurisdiction of the Department of Natural Resources. Division XIX relates to using live birds as targets and certain nonresident hunting license fees.
- [SENATE FILE 482](#) - Volunteer Service Programs
SEE LABOR AND EMPLOYMENT. This Act relates to youth employment programs administered by the Commission on Volunteer Service by establishing the Iowa Summer Youth Corps and Green Corps programs. The Green Corps Program is a collaborative effort which includes the Department of Natural Resources. Provisions establishing the programs take effect May 26, 2009.
- [HOUSE FILE 414](#) - Appropriation Reductions, Transfers, and Supplementals
SEE APPROPRIATIONS. This Act primarily relates to public funding and regulatory matters for FY 2008-2009 by revising and supplementing existing appropriations. It includes supplemental appropriations for the Department of Natural Resources and the Fish and Game Protection Fund to restore a uniform reduction in appropriations made by the Governor under Executive Order Number 10 issued on December 22, 2008, and to address flood damage and related costs.
- [HOUSE FILE 759](#) - Flood Hazard Area Insurance Requirements
SEE LOCAL GOVERNMENT. This Act requires all counties and cities in Iowa that have an identified special flood hazard area within their political boundaries to meet certain requirements for participation in the National Flood Insurance Program. State participation in funding financial assistance for a flood-related disaster in a city or county is contingent upon the city or county participating in the National Flood Insurance Program pursuant to the terms, conditions, and deadlines contained in the Act.

NATURAL RESOURCES AND OUTDOOR RECREATION

[SENATE FILE 187](#) - Deer Hunting Licenses for Nonambulatory Persons

BY COMMITTEE ON NATURAL RESOURCES. This Act allows a nonambulatory resident to be issued one any sex deer hunting license which is valid and may be used to hunt deer with a shotgun or a muzzleloading rifle during any established deer hunting season. A person who applies for the license must complete a form which is signed by a physician who verifies that the person is nonambulatory.

A person who obtains the license is not required to pay the wildlife habitat fee but must purchase a deer hunting license and hunting license, be otherwise qualified to hunt, and pay a \$1 deer herd population management fee for the Help Us Stop Hunger Program. A person may obtain such a license in addition to any other deer hunting licenses for which the person is eligible.

For the purposes of the Act, "nonambulatory person" means an individual who has received a nonambulatory persons permit from the Department of Natural Resources and who has one or more of the following conditions: paralysis of the lower half of the body, usually due to disease or a spinal cord injury; loss or partial loss of both legs; or any other physical affliction making it impossible for the person to ambulate successfully.

[HOUSE FILE 722](#) - Natural Resources — Conservation and Recreation Activities

BY COMMITTEE ON NATURAL RESOURCES. This Act relates to various conservation and recreation activities under the purview of the Department of Natural Resources, modifies fees, and makes penalties applicable.

SNOWMOBILES. Code Section 321G.2(1) is amended to allow the Natural Resource Commission to adopt rules for the establishment of a program of grants, subgrants, and contracts for the development, maintenance, and operation of designated snowmobile trails and grooming equipment by political subdivisions and incorporated private organizations; a certified education course for the operation of snowmobile grooming equipment; a certified education course for the safe use and operation of snowmobiles; and for certification of volunteer snowmobile education instructors.

Code Section 321G.11 is amended to require that exhaust on internal combustion engines of snowmobiles must be muffled in accordance with rules adopted by the Natural Resource Commission.

Code Section 321G.21(9) is amended to allow the commission to adopt rules providing for the suspension or revocation of a snowmobile dealer's special registration certificate.

Code Section 321G.24(3) is amended to coordinate an internal reference with the changes in Code Section 321G.2(1), to allow a person who completes a course of safety instruction and passes a written test to receive a safety certificate, and to delete a provision that allowed the commission to waive completion of the safety course if a person passed a written test instead.

ALL-TERRAIN VEHICLES. Code Section 321I.1(1)(c), requiring off-road utility vehicles to be considered all-terrain vehicles for the purposes of registration, is stricken.

Code Section 321I.1(16) is amended to provide that an off-road utility vehicle means a vehicle with not less than four nor more than eight tires, a bucket or bench seat, and a steering wheel or control levers. An owner of an off-road utility vehicle may register and title an off-road utility vehicle in order to legally operate the vehicle on public ice or on a designated riding area or trail, but is exempt from certain dealer registration and titling requirements and safety instruction and certification program requirements. An operator of a registered or titled off-road utility vehicle shall not operate the vehicle on public ice or designated riding areas or trails unless the department has posted signage allowing such operation.

Code Section 321I.2(1) is amended to allow the commission to adopt rules for the establishment of a program of grants, subgrants, and contracts for the development, maintenance, and operation of designated all-terrain vehicle riding areas and trails by political subdivisions and incorporated private organizations; for the establishment of a certified education course for the safe use and operation of all-terrain vehicles; and for the certification of volunteer all-terrain vehicle education instructors.

Code Section 3211.22(9) is amended to allow the adoption of rules by the commission providing for the suspension or revocation of an all-terrain vehicle dealer's special registration certificate.

Code Section 3211.26(3) is amended to coordinate an internal reference with the changes made in Code Section 3211.2(1), to allow a person to obtain a safety certificate by completing a course of instruction that includes passing an examination including either a written test or the demonstration of adequate riding skills, and to delete a provision that allowed the commission to waive completion of the course of instruction upon passage of a written test instead.

DAMS AND SPILLWAYS. Code Section 464A.11(2) is amended to require the department to conduct a study of waterways for recreational purposes and develop a statewide plan by March 31, 2010, instead of January 1, 2010.

WILDLIFE CONSERVATION. Code Section 481A.19(1)(b) is amended to allow a person licensed in certain neighboring states to take wildlife in Iowa without an Iowa license from or in land adjacent to the neighboring state but separated from other land in Iowa by a body of water if the other state allows similar privileges to Iowa residents.

Code Section 481A.19(2) is amended to provide that reciprocal agreements between Iowa and such neighboring states may include a determination of which state's seasons and limits will apply for specific geographical areas.

Code Section 481A.122 is amended to exempt a person who is hunting with a raptor from certain requirements to wear blaze orange apparel.

Code Section 481A.130 is amended to add a civil penalty of \$200 for the unlawful taking of a bobcat and to add a schedule of civil penalties for the unlawful taking of fish, dependent on the species of fish taken. The Code section is also made inapplicable to a person who is liable to pay restitution pursuant to Code Section 481A.151 for injury to a wild animal caused by polluting a water of this state.

COMMERCIAL FISHING. Code Section 482.1 is amended to provide that a licensee under the Code chapter shall not continue commercial fishing while a license issued by the commission is under revocation or suspension, to allow regulation of commercial mussel bait fishing, and to allow employees of the department to examine gear, catches, and sale and purchase records of commercial licensees.

Code Section 482.2 is amended to add definitions of new licenses for commercial fish helpers, commercial roe buyers, commercial roe harvesters, commercial turtle buyers, commercial turtle helpers, and to define roe and roe species. References to commercial mussel fishing are deleted. Code Section 452A.17(1)(a)(7) is amended to make the language consistent with the definitional changes.

Code Section 482.4, concerning commercial licenses and gear tags, is amended to describe and set fees for the new licenses available. Annual license fees for some existing licenses are increased, and fees are added for the new licenses available. References to water sport trotline licenses are deleted and moved to Code Chapter 483A.

Code Section 482.5, concerning commercial gear, is amended to include the harvest of commercial turtles with such gear.

Code Section 482.7, concerning gear attendance, is amended to apply to commercial turtle harvesting and to require the presence of a commercial fisher or commercial turtle harvester when commercial gear is operated, including direct supervision of a commercial fish helper or commercial turtle helper who operates commercial gear. "Direct supervision" is defined to require being in the same boat, within hand-signal distance, or within vocal communication distance, without electronic or amplification devices, of the person being supervised. The constant attendance requirement may be modified by the commission upon a request specifying why an extension of gear attendance intervals is needed.

Code Section 482.10, concerning commercial fish licenses, is amended to describe the privileges associated with commercial fisher and fish helper licenses, and commercial roe harvester and roe buyer licenses. The license requirements do not apply to individuals who buy commercial fish or fish parts or roe or roe species for personal consumption. In addition, a person under 16 years of age is not required to have a commercial fish helper license to assist a commercial fisher.

Code Section 482.11, concerning turtles, is amended to describe the privileges associated with the taking of turtles, particularly by commercial turtle harvester and turtle helper licensees. The commercial turtle license requirements do not apply to individuals who buy commercial turtles, turtle eggs, or turtle parts from a commercial fisher or commercial turtle harvester for personal consumption. In addition, a commercial turtle helper license is not required for a person under 16 years of age to assist a commercial turtle harvester. Code Section 805.8B(3)(n) is amended to strike a provision imposing a penalty for sport turtle violations to coordinate with changes made to Code Section 482.11.

Code Section 482.14 is amended to describe report, recordkeeping, and inspection requirements pertaining to commercial fishers, commercial turtle harvesters, commercial turtle buyers, commercial roe harvesters, and commercial roe buyers.

FISHING AND HUNTING LICENSES. Code Section 483A.1 is amended to add the licenses for resident boundary waters sport trotline fishing and nonresident boundary waters sport trotline fishing. Code Section 805.8B(3)(p)(5) is amended to provide that for violations of Code Section 483A.1 relating to licenses and permits, the scheduled fine is \$100 for a license or permit costing more than \$50 but less than \$100, and the fine is two times the cost of the license or permit for licenses or permits that cost \$100 or more.

Code Section 483A.1A is amended to add a definition for "boundary waters," "nonresident," and "principal and primary residence or domicile."

Code Section 483A.1A is also amended to change the definition of "resident" to require a person to meet any of the specified criteria during each year in which the person claims status as a resident. One specified criterion now requires a person to physically reside in the state as the person's principal and primary residence or domicile for a period of not less than 90 consecutive days immediately before applying for a resident hunting or fishing privilege. A full-time student at an out-of-state school who is under age 25 may also qualify as a resident if the student has at least one parent or legal guardian who maintains a principal and primary residence in the state.

Code Section 483A.7(3) is amended to require the commission to assign a preference point each year to a nonresident whose application for a wild turkey hunting license is denied due to limitations on the number of licenses available and to authorize the commission to sell additional preference points for \$50 each.

Code Section 483A.8 is amended to require the commission to allocate all nonresident deer hunting licenses issued among the zones based on the populations of deer. The commission is also required to assign a preference point each year to a nonresident whose application for an antlered or any sex deer hunting license is denied due to limitations on the number of licenses available, and to authorize the commission to sell additional preference points for \$50 each.

A coordinating change adds the sale of wild turkey and deer preference points in Code Section 483A.1(2).

Code Section 483A.8A is amended to expand the deer harvest reporting system to include reporting on wild turkeys harvested. Code Section 805.8B(3) is amended to make a violation of this section punishable by a scheduled fine of \$25.

New Code Section 483A.9A authorizes the commission to develop combination packages of licenses for sale to residents for the purpose of increasing sales of licenses and recruiting or retaining hunters, anglers, and trappers, in the state. Code Section 483A.10 is amended to allow the sale and issuance of combination packages of licenses pursuant to Code Chapter 483A. Code Section 483A.12 is amended to allow for the collection of fees by license agents in connection with such sales.

New Code Section 483A.28 describes the noncommercial harvest of aquatic species. The new boundary waters sport trotline license allows the use of trotlines only on boundary waters. A valid fishing license entitles the licensee to take specified amounts of live and dressed turtles and mussels or shells, as set by rule, but not to sell, barter, or trade them. Code Section 805.8B(3) is amended to provide that a violation of this new provision, other than a license violation, is punishable by a scheduled fine of \$25.

Code Section 484B.10 is amended to allow a nonresident youth under 16 years of age to hunt game birds on a licensed hunting preserve upon obtaining an annual hunting preserve license that costs \$5 and paying the wildlife habitat fee. The youth is not required to complete the hunter safety and ethics education course if accompanied by a person with a valid hunting license who is at least 18 years old and remains within arm's reach of the youth.

REPEALS. Code Section 482.12, concerning freshwater mussel harvesting, and Code Section 483A.25, concerning the pheasant and quail restoration program and related appropriations, are repealed.

UPLAND GAME BIRD STUDY ADVISORY COMMITTEE. An Upland Game Bird Study Advisory Committee is established for the purpose of studying the best ways to restore sustainable and socially acceptable populations of pheasants and quail in the state, and maximizing the economic value of upland game bird hunting while balancing the needs of the agricultural industry. The advisory committee is composed of representatives of specified entities or organizations appointed by the Governor, legislative staff members of U.S. Senators Tom Harkin and Charles Grassley, the Director of the Department of Natural Resources, the Secretary of Agriculture, the Director of the Department of Economic Development, a representative of the U.S. Fish and Wildlife Service, the Executive Director of the Iowa State Farm Service Agency or the U.S. Department of Agriculture, a member of the State Soil Conservation Committee, a representative of the Iowa State University Fisheries and Wildlife Cooperative Unit, two state senators, and two state representatives. The committee is directed to complete its deliberations in December 2009, and submit a final report to the Governor and the General Assembly by January 10, 2010. This provision takes effect May 22, 2009.

HOUSE FILE 756 - Watershed, Land Use, and Floodplain Management

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act provides for regional watershed, land use, and floodplain management policies.

MISSISSIPPI RIVER PARTNERSHIP COUNCIL. The Act creates new Code Chapter 28N establishing a Mississippi River Partnership Council to promote the preservation, enhancement, and intelligent use of the Mississippi River.

The council may consist of members appointed by the Governor who reside in a county bordering the river and who are interested in the river and its effect on border counties, including soil and water conservation, business, recreation, natural resource conservation, the environment, and agriculture; county boards of supervisors of border counties; city councils of the largest cities in those counties; and the heads of the departments of Agriculture and Land Stewardship, Natural Resources, Economic Development, and Transportation. The council may also include four legislative members and individuals representing federal agencies or other state agencies or commissions.

The Act provides procedures for calling and conducting quarterly meetings, and provides for administrative support. Some of the council's duties include encouraging and facilitating sustainable economic development opportunities in border counties; enhancing awareness about the river and its uses; encouraging the protection, restoration, and expansion of critical habitats; promoting the adoption of soil conservation and water quality best management practices; and cooperating with local communities and state and federal agencies to optimize the implementation of programs affecting the river and border counties.

This part of the Act is implemented when persons appointed by the Governor to act on behalf of the council procure at least \$25,000 in funds or in-kind services to support council expenses during its start-up and first year.

CITY AND COUNTY CONTROL OF JUNKYARDS. The Act provides that the Department of Natural Resources' authority to control floodplains under Code Chapter 455B, Division III, Part 4, does not limit the authority of a city or county to adopt an ordinance regulating a junkyard located within a 500-year floodplain.

WATERSHED MANAGEMENT. The management of watersheds is conducted by two bodies: the Watershed Improvement Review Board (board) under Code Chapter 466A, and the Water Resources Coordinating Council (council) under Code Chapter 466B.

Currently, the board is authorized to finance local watershed improvement projects in order to enhance the management and use of water for a variety of purposes relating to drinking, agriculture, recreation, sport, and economic development. The Act also authorizes the board to finance the installation of structures and conservation systems for the prevention and mitigation of floods and the removal of channels to allow waterways to meander.

Currently, the council is composed of a number of state officials whose agencies are interested in agriculture, natural resources, public defense and emergency management, economic development, financing, transportation, public health, and education. The Act adds the Dean of the College of Engineering at the University of Iowa, and the Director of the Rebuild Iowa Office (until June 30, 2011). The purpose of the council is to preserve and protect Iowa's water resources, and to coordinate the management of those resources in a sustainable and fiscally responsible manner. The Act requires the council to develop recommendations for policies and funding to reduce the adverse impact of future flooding on the state.

[HOUSE JOINT RESOLUTION 1](#) - Proposed Constitutional Amendment — Natural Resources and Outdoor Recreation Trust Fund

BY BELL. This Joint Resolution proposes an amendment to the Constitution of the State of Iowa to dedicate a portion of state sales and service tax revenue for the benefit of water quality, natural areas, and agricultural soils in this state.

The Joint Resolution establishes a Natural Resources and Outdoor Recreation Trust Fund and credits the fund with an amount equal to the amount generated by a sales tax rate of three-eighths of 1 percent as may be imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this state. No revenue is to be credited to the fund until the tax rate in effect on the effective date of the Joint Resolution is increased. After the increased tax rate becomes effective, an amount equal to the amount generated by the increase in the tax rate is credited to the fund, not to exceed the amount generated by the tax rate of three-eighths of 1 percent.

The proposed amendment to the Constitution of the State of Iowa in this Joint Resolution was previously passed as Senate Joint Resolution 2002 by the 82nd General Assembly, 2008 Session (2008 Iowa Acts, Chapter 1194). The proposed amendment will be submitted to the state electorate for ratification at the general election held in November 2010.

PUBLIC DEFENSE AND VETERANS

- [SENATE FILE 112](#) - Death of Armed Forces Member — Recognition — Presentation of Flags
- [SENATE FILE 186](#) - Public Employment and Veterans Preferences
- [SENATE FILE 241](#) - United States Department of Veterans Affairs — Code References
- [SENATE FILE 254](#) - County Commissions of Veteran Affairs — Activities Reporting
- [SENATE FILE 280](#) - Emergency Assistance Immunity — Disasters
- [SENATE FILE 407](#) - Iowa Veterans Home — Member Rights and Responsibilities
- [SENATE FILE 451](#) - Public Undergraduate Tuition and Fees — Veterans, Military Personnel, and Families — Residency
- [HOUSE FILE 214](#) - Educational Opportunity for Military Children — Compact
- [HOUSE FILE 283](#) - County Commissions of Veteran Affairs — Executive Director or Administrator Services
- [HOUSE FILE 503](#) - Veteran — Definition and Related Changes
- [HOUSE FILE 505](#) - Iowa Veterans Home Volunteers — Record Checks
- [HOUSE FILE 706](#) - Mortgage Foreclosure and Installment Contract Protections for National Guard and Armed Forces Members

RELATED LEGISLATION

- [SENATE FILE 197](#) - Unemployment Compensation and Benefits
SEE LABOR AND EMPLOYMENT. This Act includes a provision that waives the employer charges for unemployment claims stemming from temporary workers who have replaced active-duty military employees.
- [SENATE FILE 203](#) - Medical Assistance Program and Veterans Benefits — Tenants of Assisted Living Programs
SEE HEALTH AND SAFETY. This Act requires assisted living programs that receive reimbursement through the Medical Assistance (Medicaid) Program to assist the Department of Veterans Affairs in identifying, upon admission of a tenant, and for tenants already residing in the assisted living program on July 1, 2009, the tenant's eligibility for benefits through the U.S. Department of Veterans Affairs.
- [SENATE FILE 253](#) - Income Tax Return Deadlines for Active Duty Military Personnel
SEE TAXATION. This Act allows certain active duty military personnel who are deployed overseas additional time to file a state income tax return.
- [SENATE FILE 440](#) - Prescription Drug Coverage for Veterans in Health Care Facilities
SEE HEALTH AND SAFETY. This Act relates to assessing residents of health care facilities for eligibility for prescription drug coverage benefits and adjusting procedures for medication and administration to allow residents to access the benefits for which they are eligible.
- [SENATE FILE 441](#) - Statewide Mutual Aid Compact and Local Emergency Management
SEE LOCAL GOVERNMENT. This Act relates to local emergency management by modifying provisions of the Statewide Mutual Aid Compact.
- [SENATE FILE 478](#) - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act makes, reduces, and transfers appropriations; provides salaries and compensation of state employees; and covers other properly

related matters. Division VIII provides public appointment and employment preferences for veterans.

[HOUSE FILE 64](#)

- Disaster Assistance — Appropriations, Grants, and Administration
SEE APPROPRIATIONS. This Act relates to disaster assistance by providing for Jumpstart Housing Assistance, unmet needs disaster grants, a Rebuild Iowa Office, and community disaster grants.

[HOUSE FILE 321](#)

- Transporters of Iowa Veterans Home Members — Chauffeur's License Exemption
SEE TRANSPORTATION. This Act provides that an authorized employee or volunteer of the Iowa Veterans Home is not required to be licensed as a chauffeur in order to transport patients or residents of the home in an automobile.

[HOUSE FILE 811](#)

- Appropriations — Health and Human Services
SEE APPROPRIATIONS. This Act relates to and makes appropriations for health and human services for FY 2009-2010 and includes funding and other provisions involving the Department of Veterans Affairs, the Iowa Veterans Home, and veterans programs.

PUBLIC DEFENSE AND VETERANS

[SENATE FILE 112](#) - **Death of Armed Forces Member — Recognition — Presentation of Flags**

BY JOHNSON, ET AL. This Act provides for presentation of the national and Iowa flags flown at half-staff over the State Capitol in recognition of the death of a member of the armed forces of the United States while serving on active duty who was a resident of Iowa. The flags must have been flown pursuant to a proclamation issued by the Governor. The flags are required to be presented by the Office of the Governor to the member's surviving spouse. If the member does not have a surviving spouse, the two flags are to be presented to another individual who is part of the member's immediate family.

The Department of Veterans Affairs is responsible for the cost of the flags.

[SENATE FILE 186](#) - **Public Employment and Veterans Preferences**

BY COMMITTEE ON VETERANS AFFAIRS. This Act removes the requirement that a person be a resident of Iowa in order to receive a veteran's preference in appointment or employment for public employment, including municipal civil service employment under Code Chapter 400. The Act provided that any veteran's preference provided to nonresidents shall not deny equally qualified nonveteran residents of Iowa from being given equal consideration for a job interview, but this equal consideration provision was struck in S.F. 478 (see Appropriations).

For purposes of municipal civil service employment, the Act also provides that the veteran's preference points are percentage points and that the percentage points shall be applied once to the final scores used to rank applicants for selection for an interview.

[SENATE FILE 241](#) - **United States Department of Veterans Affairs — Code References**

BY COMMITTEE ON VETERANS AFFAIRS. This Act changes references in the Code to the federal Veterans Administration and the Administrator of Veterans Affairs to the U.S. Department of Veterans Affairs and the Secretary of the U.S. Department of Veterans Affairs. In 1989, the federal Veterans Administration was changed to a cabinet-level department, the U.S. Department of Veterans Affairs.

[SENATE FILE 254](#) - **County Commissions of Veteran Affairs — Activities Reporting**

BY COMMITTEE ON VETERANS AFFAIRS. This Act requires the Department of Veterans Affairs to annually prepare and submit a report to the Governor and the General Assembly by August 31 relating to certain activities of county commissions of veteran affairs. The report is required to include information relating to compliance with the training required under Code Section 35B.6, operating schedules of county commission of veteran affairs offices, the number of hours of veterans' services provided, county and veteran population information, and the total amount of compensation, benefits, or pensions received by the residents of each county under laws administered by the U.S. Department of Veterans Affairs. The report is also required to include an analysis of such information and an analysis of such information for previous years.

[SENATE FILE 280](#) - **Emergency Assistance Immunity — Disasters**

BY COMMITTEE ON REBUILD IOWA. Under current law, a person, who in good faith renders emergency care or assistance without compensation, is not liable for any civil damages for acts or omissions occurring at the place of an emergency or accident or while the person is in transit to or from the emergency or accident or while the person is at or being moved to or from an emergency shelter unless such acts or omissions constitute recklessness or willful and wanton misconduct. This Act defines emergency to include a disaster defined in Code Section 29C.2 or the period of time immediately following a disaster for which the Governor has issued a proclamation of a disaster emergency.

[SENATE FILE 407](#) - **Iowa Veterans Home — Member Rights and Responsibilities**

BY COMMITTEE ON VETERANS AFFAIRS. This Act provides for the involuntary discharge of a resident of the Iowa Veterans Home by the commandant under specified circumstances. The Act specifies the bases for involuntary discharge and provides notice requirements, provisions for placement in a suitable living situation, and provisions relating to the applicable appeals process. The Commission of Veterans Affairs is required to adopt rules to enforce the Act, and any involuntary discharge must comply with the rules adopted by the

commission and the rules adopted by the Department of Inspections and Appeals under Code Chapter 135C which provides for the regulation of health care facilities. The commandant is required to submit an annual report to the Veterans Affairs committees of the Senate and House of Representatives, specifying the number, circumstances, and placement of members involuntarily discharged during the previous calendar year.

SENATE FILE 451 - Public Undergraduate Tuition and Fees — Veterans, Military Personnel, and Families — Residency

BY COMMITTEE ON VETERANS AFFAIRS. This Act requires the boards of directors of the state's community colleges and the State Board of Regents to adopt rules that classify as residents, for purposes of undergraduate tuition and fees, qualified veterans and qualified military persons and their spouses and dependent children who are domiciled in this state while enrolled in a community college or regents university.

The "qualified veteran" must be eligible for benefits under the federal Post-9/11 Veterans Educational Assistance Act of 2008 and be domiciled in this state, whether or not the veteran is attending classes, in order for the spouse or dependent child to be eligible for status as a resident.

The Act defines "qualified military person" as a person on active duty who is stationed at Rock Island Arsenal. If the qualified military person is transferred, deployed, or restationed while the person's spouse or child is enrolled, the spouse or child shall continue to be classified as a resident until the close of the fiscal year in which the spouse or child is enrolled.

HOUSE FILE 214 - Educational Opportunity For Military Children — Compact

BY COMMITTEE ON VETERANS AFFAIRS. This Act establishes the Interstate Compact on Educational Opportunity for Military Children, within new Code Chapter 256G.1, to remove barriers to educational success experienced by children of military families because of their parents' deployment and frequent moves; establishes a Council on Educational Opportunity for Military Children to provide advice and recommendations regarding Iowa's participation in and compliance with the compact; and directs the Governor to appoint a military family education liaison to facilitate implementation of the compact.

Article I provides for the compact's purpose. The compact facilitates the timely enrollment; student placement; qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities; and on-time graduation of children of military families in kindergarten through grade 12. The compact also provides for the promulgation and enforcement of administrative rules and for the uniform collection and sharing of information between and among member states, schools, and military families.

Article II provides definitions. Article III establishes the applicability of the compact. Articles IV through VII establish requirements for educational records and enrollment, including immunization, entrance ages, course and educational placement, attendance, special education services, eligibility for enrollment and extracurricular participation, course waiver for graduation, exit exams, and senior year transfers.

Article VIII and new Code Sections 256G.2 and 256G.3 provide for state coordination through the creation of the seven-member Council on Educational Opportunity for Military Children, designation of a military family education liaison, and the appointment of a state compact commissioner.

Article IX creates the Interstate Commission on Educational Opportunity for Military Children, the activities of which are the formation of public policy and are a discretionary state function. Articles IX and X further describe the commission and provide for its powers, duties, and responsibilities, including collection of standardized data concerning the educational transition of the children of military families; the creation of a process that permits military officials, education officials, and parents to inform the commission if and when there are alleged violations of the compact or its rules; and to take all necessary actions to effect the goals, purposes, and obligations enumerated in the compact.

Article X further states that the commission's rules have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in the compact. The commission may

use the judicial process to enforce compliance with compact provisions. The commission is directed to establish uniform standards for the reporting, collecting, and exchanging of data, and to report annually to the legislatures, governors, judiciary, and state councils of the member states concerning its activities during the preceding year. Article XI provides for the organization and operation of the commission. Article XII establishes the rulemaking functions of the commission, and establishes that if the commission exceeds its rulemaking authority, the action shall be invalid and have no force or effect. The article provides for judicial review of a rule. A rule can be rejected if a majority of the legislatures of the compacting states reject the rule by enactment of a statute or resolution in the same manner used to adopt the compact.

Article XIII provides for oversight, enforcement, and dispute resolution.

Article XIV provides for the financing of the commission, including its establishment, organization, and ongoing activities by permitting the commission to levy on and collect an annual assessment from each member state in a total amount sufficient to cover the commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission.

Article XV provides that the compact takes effect and is binding upon legislative enactment in at least 10 states. As of July 11, 2008, Delaware became the 10th state to adopt the compact.

Article XVI provides for withdrawal and dissolution from the compact, Article XVII for severability and construction, and Article XVIII for the binding effect of the compact and other laws.

The Act takes effect March 26, 2009.

[HOUSE FILE 283](#) - County Commissions of Veteran Affairs — Executive Director or Administrator Services

BY COMMITTEE ON VETERANS AFFAIRS. This Act amends legislation enacted in 2008 relating to administration of the County Commissions of Veteran Affairs Fund and the hours of service requirement for county commission of veteran affairs executive directors and administrators, which becomes effective on July 1, 2009. Moneys received by a county from the fund may be used for veterans' services rather than only for the employment of an executive director or an administrator; however, such funds must be used to supplement and not supplant any existing funding. If a county fails to be in compliance with the requirements of Code Section 35B.6 on June 30 of any fiscal year, all moneys received by the county from the fund during that fiscal year must be reimbursed.

The Act amends the hours of service requirement for executive directors and administrators that are being shared between multiple counties. Instead of allocating the hours of service among the counties based on population, the Act requires each county to meet the hours of service requirement.

[HOUSE FILE 503](#) - Veteran — Definition and Related Changes

BY COMMITTEE ON VETERANS AFFAIRS. This Act changes the definition of veteran in Code Section 35.1 to provide that a veteran also includes a resident of this state who served on active federal service, other than training, in the Armed Forces of the United States and was discharged under honorable conditions, regardless of when the service occurred. Previously, the law defined the term "veteran" to include a resident of the state who served in the Armed Forces of the United States only during certain periods of time encompassing various wars and conflicts.

The definition of veteran in Code Section 35.1, as expanded by this Act, applies to several provisions of the Code, including provisions concerning veterans' preference in employment, membership on the county commission of veteran affairs, indigent burial expenses and support, grave markers, and the Hepatitis C Awareness Program.

However, the Act provides that the added definition of veteran does not apply relative to property tax exemptions. Current law relative to the definition of veteran for purposes of providing a property tax exemption still applies and is not modified by the Act.

The Act takes effect July 1, 2010.

[HOUSE FILE 505](#) - Iowa Veterans Home Volunteers — Record Checks

BY COMMITTEE ON VETERANS AFFAIRS. This Act requires criminal history and dependent adult and child abuse record checks for persons who are prospective or current volunteers for a position having direct individual contact with patients or residents of the Iowa Veterans Home.

[HOUSE FILE 706](#) - Mortgage Foreclosure and Installment Contract Protections for National Guard and Armed Forces Members

BY COMMITTEE ON VETERANS AFFAIRS. This Act relates to protection afforded members of the National Guard and members of the reserve or regular component of the Armed Forces of the United States in active duty service, and their dependents, against foreclosure of a mortgage or enforcement of a real estate obligation payable in installments pursuant to contract.

Protection is extended, under specified circumstances, to members of the National Guard pursuant to the Iowa National Guard Civil Relief provisions contained in Code Chapter 29A, Subchapter VI, and to members of the reserve or regular component of the Armed Forces of the United States in active duty service pursuant to the Federal Servicemembers Civil Relief Act of 2003. The Act references these provisions in a new subsection of Code Chapter 654, relating to foreclosure of real estate mortgages, and requires the Department of Veterans Affairs and the Department of Commerce to coordinate to develop a procedure to inform protected individuals of the availability of the protection, including at a minimum posting such information on an official Internet site maintained by each department.

The Act also increases penalties applicable to persons who knowingly repossess or foreclose on property owned by or being purchased by a member of the National Guard or their dependents from the current penalty of a simple misdemeanor to a serious misdemeanor.

STATE GOVERNMENT

- [SENATE FILE 98](#) - Lean Enterprise Office
- [SENATE FILE 108](#) - Public Safety Statewide Interoperable Communications System Board Membership
- [SENATE FILE 159](#) - Electrician Licensure and Electrical Installations
- [SENATE FILE 209](#) - Public Safety and Law Enforcement Practices and Procedures
- [SENATE FILE 224](#) - Regulation of Plumbers, Mechanical Professionals, and Contractors
- [SENATE FILE 225](#) - Statewide Fire and Police Retirement System — Purchase of Service Credits
- [SENATE FILE 226](#) - Statewide Fire and Police Retirement System — Benefits — Cancer and Infectious Diseases
- [SENATE FILE 237](#) - Pseudoephedrine Product Sales
- [SENATE FILE 295](#) - Department of Administrative Services — Leases on Real Property
- [SENATE FILE 334](#) - Legislative Committees — Government Oversight
- [SENATE FILE 372](#) - Statewide Broadband Policy Development — Study
- [SENATE FILE 430](#) - Statutory Boards, Commissions, Councils, and Committees — Legislative Appointments
- [SENATE FILE 446](#) - Nonsubstantive Code Corrections
- [SENATE FILE 449](#) - Substantive Code Corrections
- [HOUSE FILE 380](#) - Public Health — Miscellaneous Changes
- [HOUSE FILE 705](#) - Safe Room and Storm Shelter Standards
- [HOUSE FILE 707](#) - Statewide Fire and Police Retirement System — Line of Duty Death Benefit

RELATED LEGISLATION

- [SENATE FILE 49](#) - Campaign Finance — Miscellaneous Provisions
SEE ELECTIONS, ETHICS, AND CAMPAIGN FINANCE. This Act specifies what is included under the term "contribution" for purposes of campaign funds.
- [SENATE FILE 50](#) - Compensation for Candidates and Immediate Family Members
SEE ELECTIONS, ETHICS, AND CAMPAIGN FINANCE. This Act prohibits a candidate from paying a salary or other compensation to the candidate or the spouse or dependent child of the candidate.
- [SENATE FILE 51](#) - Campaign Finance — Electronic Filing of Statements and Reports
SEE ELECTIONS, ETHICS, AND CAMPAIGN FINANCE. This Act adds to the entities that are required to file disclosure statements and reports to the Iowa Ethics and Campaign Finance Disclosure Board. The Act takes effect May 1, 2010.
- [SENATE FILE 52](#) - Ethics Regulation
SEE ELECTIONS, ETHICS, AND CAMPAIGN FINANCE. This Act relates to ethics regulations for the executive branch, legislative branch, and local officials and employees.
- [SENATE FILE 137](#) - Civil Rights and Employment Practices — Wage Discrimination
SEE LABOR AND EMPLOYMENT. This Act provides that discrimination against any employee on the basis of pay because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such employee is an unfair employment practice under the Iowa Civil Rights Act.

- [SENATE FILE 151](#) - Railways, Railway Assistance, and Passenger Rail Service
SEE TRANSPORTATION. This Act contains provisions relating to rail assistance and to the development and administration of passenger rail service through agreements with AMTRAK, rail operators, local jurisdictions, and other states.
- [SENATE FILE 204](#) - Administration of Services for Aging and Dependent Adults
SEE HUMAN SERVICES. This Act relates to the Department of Elder Affairs and the provision of social services for older Iowans. The Act changes references to the "Department of Elder Affairs," the "Commission on Elder Affairs," and "elders" to the "Department on Aging," the "Commission on Aging," and "older individuals," respectively, in Code Chapter 231.
- [SENATE FILE 207](#) - Iowa Finance Authority — Miscellaneous Changes
SEE ECONOMIC DEVELOPMENT. This Act relates to the organizational structure of the Iowa Finance Authority.
- [SENATE FILE 270](#) - Registration of Postsecondary Schools
SEE EDUCATION. This Act transfers from the Office of the Secretary of State to the College Student Aid Commission the administrative duties relating to the registration of postsecondary schools under Code Chapter 261B and the responsibilities relating to the evidence of financial responsibility of those schools under Code Chapter 714.
- [SENATE FILE 291](#) - Certified Retirement Communities
SEE LOCAL GOVERNMENT. This Act establishes a certified retirement communities program within the Department of Elder Affairs for the recognition and promotion of communities in Iowa that have made themselves attractive destinations for retirees.
- [SENATE FILE 322](#) - Taxation — Administration and Related Changes
SEE TAXATION. This Act relates to the technical administration of the tax and related laws by the Department of Revenue, including the income taxes, the sales and use taxes, the property tax, and certain fees for new vehicle registrations.
- [SENATE FILE 328](#) - Hazardous Substance Cleanup — Costs and Reimbursement
SEE ENVIRONMENTAL PROTECTION. This Act relates to the reimbursement of hazardous substance cleanup costs.
- [SENATE FILE 339](#) - Water and Wastewater Treatment
SEE ENVIRONMENTAL PROTECTION. This Act relates to wastewater treatment.
- [SENATE FILE 342](#) - Soybean and Corn Promotion Organizations — Boards of Directors
SEE AGRICULTURE. This Act authorizes the Iowa Soybean Association Board and Iowa Corn Promotion Board to issue negotiable instruments. In addition, the Act changes the per diem paid to a director of the Iowa Corn Promotion Board from \$50 to \$100.
- [SENATE FILE 376](#) - Iowa Jobs Program, Bonding, Miscellaneous Appropriations and Reductions, and Other Miscellaneous Changes
SEE ECONOMIC DEVELOPMENT. This Act creates an Iowa Jobs Program, an Iowa Jobs Board, and an Iowa Jobs Fund; authorizes the issuance of bonds including tax-exempt bonds; and makes and revises appropriations. The Act creates a joint governance board to establish a comprehensive plan for the deployment and sustainability of high-speed broadband access in areas capable of timely implementation and to establish a competitive process for the disbursement of funds made available for the deployment and sustainability of high-speed broadband services in the form of grants. The Act takes effect May 14, 2009.
- [SENATE FILE 380](#) - Public Safety — Gambling and Gaming Restrictions, Interception of Communications, and Peace Officer Activities
SEE CRIMINAL LAW, PROCEDURE, AND CORRECTIONS. This Act authorizes a peace

officer of the Department of Public Safety to act in concert with, or under the direction of, a federal officer or agent of the federal government.

[SENATE FILE 433](#)

- Inspection and Assessment of Health Care Facilities and Assisted Living Programs
SEE HEALTH AND SAFETY. This Act relates to health care facilities and assisted living programs and revises the inspection process and the assessment of penalties in such facilities and programs.

[SENATE FILE 457](#)

- Disaster Recovery and Remediation — Expenditures — Financing
SEE LOCAL GOVERNMENT. Division II of this Act authorizes the Executive Director of the State Board of Regents, or the board, to authorize, adopt, and implement emergency public bidding and contract letting requirements if a delay in undertaking a repair, restoration, or reconstruction of a public improvement might cause serious loss or injury at an institution under the control of the board. The division also provides that moneys received under the federal American Recovery and Reinvestment Act of 2009 and deposited in the revolving loan funds created under Code Section 455B.295, relating to clean water projects, may be used in any manner permitted or required by applicable federal law. Division II of the Act takes effect May 12, 2009.

[SENATE FILE 471](#)

- Energy Efficiency, Renewable Energy, and the Office of Energy Independence
SEE ENERGY AND PUBLIC UTILITIES. This Act transfers authority over specified energy-related measures and programs from the Department of Natural Resources to the Office of Energy Independence.

[SENATE FILE 474](#)

- University of Iowa Flood Repair — Bonding
SEE EDUCATION. This Act authorizes the State Board of Regents to borrow moneys and issue and sell negotiable bonds for buildings and facilities, including for flood repair, restoration, replacement, and mitigation at the University of Iowa; and for phase II construction and renovation of the veterinary medical facilities at Iowa State University.

[SENATE FILE 475](#)

- Appropriations — Justice System
SEE APPROPRIATIONS. This Act makes appropriations for the justice system and includes related provisions. The Act permits, but does not require, the Iowa Civil Rights Commission to serve a complaint on a respondent by either regular or electronic mail. The commission may also establish procedures for the electronic filing of other documents submitted to the commission.

[SENATE FILE 478](#)

- State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act makes, reduces, and transfers appropriations, provides salaries and compensation of state employees, and covers other properly related matters. Division VIII establishes requirements for proposed public improvement projects and relates to licenses for electricians and electrical contractors.

[SENATE FILE 484](#)

- Boarding Home Regulation and Protection of Dependent Adults
SEE HEALTH AND SAFETY. This Act relates to regulatory requirements involving boarding homes and dependent adults. It includes provisions providing for an interagency response to allegations involving boarding homes and for cooperative training among the state and local agencies performing inspections and visiting residential settings where dependent adults live.

[HOUSE FILE 314](#)

- Regulation of Miscellaneous Public Health-Related Activities
SEE HEALTH AND SAFETY. This Act relates to health-related activities and regulation by the Department of Public Health and includes an authorization for the department to temporarily reassign its employees for response and recovery efforts when there is a public health disaster.

- [HOUSE FILE 374](#) - Grain Depositors and Sellers Indemnity Fund — Fees and Claims
SEE AGRICULTURE. This Act amends provisions relating to the Grain Depositors and Sellers Indemnity Fund for use in indemnifying a "depositor" who has stored grain with a warehouse operator and a "seller" who sells grain to a grain dealer, by providing for the waiver of fees based on the balance in the fund, modifying when a claim period commences, and increasing the indemnification amount resulting from a claimed loss. The Act takes effect March 19, 2009, and applies retroactively to October 1, 2008.
- [HOUSE FILE 381](#) - Practice of Pharmacy and Internet Site Terminology
SEE HEALTH AND SAFETY. This Act establishes a registration program for pharmacy support persons and establishes new requirements for the Internet sale of prescription drugs by pharmacies.
- [HOUSE FILE 400](#) - Licensing of Fire Protection Systems Installers and Maintenance Workers
SEE HEALTH AND SAFETY. This Act revises the licensing requirements for persons performing fire protection system installations or fire protection system maintenance.
- [HOUSE FILE 414](#) - Appropriation Reductions, Transfers, and Supplementals
SEE APPROPRIATIONS. This Act primarily relates to public funding and regulatory matters for FY 2008-2009 by revising and supplementing existing appropriations. It includes supplemental appropriations for various state agencies to restore a uniform reduction in appropriations made by the Governor under Executive Order Number 10 issued on December 22, 2008, provide disaster relief, address flood damage to public lands and facilities, and provide regulation of certain industries. In addition, additional uniform reductions are applied to appropriations that are made for the fiscal year, moneys are transferred from various funds to the General Fund of the State, and the Innovations Fund is repealed.
- [HOUSE FILE 475](#) - Elections and Voter Registration
SEE ELECTIONS, ETHICS, AND CAMPAIGN FINANCE. This Act adds professional employees under the supervision of the Secretary of State to the list of employees exempt from the merit system.
- [HOUSE FILE 477](#) - Real Estate Declaration of Value Forms — Social Security and Tax Identification Numbers
SEE TAXATION. This Act provides for the confidentiality of the social security number or federal identification number of a buyer or seller included on a declaration of value form required to be submitted to a county recorder upon the conveyance of real estate for purposes of calculating the amount of the real estate transfer tax.
- [HOUSE FILE 710](#) - Agricultural Development Authority Operations — Reporting
SEE AGRICULTURE. This Act requires the Executive Director of the Agricultural Development Authority to report semiannually to the legislative Government Oversight committees regarding the authority's operations.
- [HOUSE FILE 759](#) - Flood Hazard Area Insurance Requirements
SEE LOCAL GOVERNMENT. This Act requires all counties and cities in Iowa that have an identified special flood hazard area within their political boundaries to meet certain requirements for participation in the National Flood Insurance Program. State participation in funding financial assistance for a flood-related disaster in a city or county is contingent upon the city or county participating in the program pursuant to the terms, conditions, and deadlines contained in the Act.
- [HOUSE FILE 809](#) - Appropriations — Administration and Regulation
SEE APPROPRIATIONS. This Act relates to and appropriates from the General Fund of the State, and from other funds, to various administrative and regulatory state departments, agencies, and funds for FY 2009-2010. The Act also makes changes

relative to Department of Administrative Services' fleet services operations, establishes a Department of Commerce Revolving Fund, and permits the Treasurer of State to sell abandoned property through the Internet.

STATE GOVERNMENT

[SENATE FILE 98](#) - Lean Enterprise Office

BY COMMITTEE ON STATE GOVERNMENT. This Act creates a Lean Enterprise Office within the Department of Management. The administrator of the office will be appointed by the Director of the Department of Management. The primary function of the office is to ensure implementation of lean tools and enterprises as a component of a performance management system for all executive branch agencies. "Lean" is defined by the Act as a business-oriented system for organizing and managing, designed to create precise customer value, expressed as providing goods and services with higher quality and fewer defects and errors, with less time, capital, and effort.

[SENATE FILE 108](#) - Public Safety Statewide Interoperable Communications System Board Membership

BY COMMITTEE ON JUDICIARY. This Act relates to the membership of the Public Safety Communications Interoperability Board under the Department of Public Safety.

Four legislators are added as ex officio, nonvoting members of the board. Of two existing voting members appointed by the Governor to represent fire departments, one must be a volunteer fire fighter and the other a paid fire fighter. The Act originally required the Governor to appoint all of the voting members from nominees submitted by volunteer and professional organizations; however, this requirement was eliminated by an amendment in H.F. 671 (see Local Government) which restored a requirement that the Governor solicit and consider recommendations from professional or volunteer organizations in making voting member appointments to the board.

The Act takes effect March 19, 2009, and the H.F. 671 amendment applies retroactively to that date.

[SENATE FILE 159](#) - Electrician Licensure and Electrical Installations

BY COMMITTEE ON STATE GOVERNMENT. This Act modifies specified existing provisions relating to electrician licensure and authorizes two new licensure classifications.

The Act authorizes the Electrical Examining Board to establish by rule a residential electrician classification and a residential master electrician licensure classification to perform residential installations.

The Act also authorizes the board to determine licensure qualifications, limitations, and restrictions for the two new classifications if the classifications are established, provides for conversion of an existing special electrician license authorizing residential installations to one of the new classifications if established, and exempts specified existing licensure classifications from requirements applicable to the new classifications. The Act contains corresponding changes regarding licensing fees and notification procedures relating to an appeal from an order of condemnation or disconnection by the board. License fee amounts are \$125 for a residential master electrician, and \$25 for a residential electrician.

The Act additionally authorizes the board to create an inactive master electrician license by rule, which could be converted to a class A master electrician or class B master electrician license by complying with continuing education and license fee requirements, and other requirements to be established by the board.

The Act provides that in the event that the board determines that all three-year licenses shall expire on the same date every three years, license fees shall be prorated by month for mid-cycle applicants, and authorizes the board to establish by rule a process for the issuance of a single permit to a licensee to request multiple inspections.

The Act provides that the licensure provisions of Code Chapter 103 shall not apply to a person otherwise licensed pursuant to the Code chapter who is engaged in electrical work while presenting a course of instruction on home construction at specified educational institutions, and that the Code chapter shall not prohibit a person from performing work on an emergency basis as determined by the board.

A political subdivision shall not prohibit a class B licensee from performing any type of work that the licensee was authorized to perform within the political subdivision under the authority of a license validly issued or

recognized by the political subdivision on December 31, 2007. The Act also authorizes the board to exempt specified types of new electrical installations from state inspection requirements of Code Chapter 103, and provides that a political subdivision is not obliged to extend the exemption to a local inspection the political subdivision is conducting.

SENATE FILE 209 - Public Safety and Law Enforcement Practices and Procedures

BY COMMITTEE ON JUDICIARY. This Act relates to the practices and procedures of the Department of Public Safety (DPS) and other law enforcement agencies.

Any renovation or repair of state buildings shall be subject to a plan review under the State Building Code by DPS. However, repair of a building owned by the State Board of Regents shall be excluded from such a review.

Upon request of a law enforcement agency, the court may order that a portion of a controlled substance subject to forfeiture and destruction pursuant to Code Section 124.506, become the possession of the requesting law enforcement agency for the sole purpose of canine-controlled substance detection training. A law enforcement agency receiving such a controlled substance is required to establish policies and retain certain records if a controlled substance is received pursuant to the Act.

Custody and adjudication data of a juvenile shall remain part of the criminal history data of that juvenile after the juvenile has reached 21 years of age for the purpose of administering the requirements of the Sex Offender Registry.

SENATE FILE 224 - Regulation of Plumbers, Mechanical Professionals, and Contractors

BY COMMITTEE ON STATE GOVERNMENT. This Act contains several revisions to the 2007 legislation providing for the licensing and regulation of plumbers and mechanical professionals. The Act requires the Plumbing and Mechanical Systems Board to establish by rule a plumbing installation code governing the installation of plumbing, requires contractors to obtain a license, and establishes a number of exemptions for persons performing routine maintenance. The definition of hydronic is expanded to include all natural, propane, liquid propane, or other gas lines associated with any component of a hydronic system.

A person must apply for and take an examination for licensure, but a number of provisions specifying requirements related to the examination are repealed.

SENATE FILE 225 - Statewide Fire and Police Retirement System — Purchase of Service Credits

BY COMMITTEE ON STATE GOVERNMENT. This Act permits an active member of the Municipal Fire and Police Retirement System (MFPRSI) who has been a member of the retirement system for five or more years to purchase service credit for prior service under MFPRSI in which the member received a refund of the member's contributions. The member may purchase up to five years of membership service for that period of prior service upon making contributions to the system in an amount equal to the actuarial cost of the purchase of service credit.

SENATE FILE 226 - Statewide Fire and Police Retirement System — Benefits — Cancer and Infectious Diseases

BY COMMITTEE ON STATE GOVERNMENT. This Act provides that certain cancers and infectious diseases contracted by members of the Municipal Fire and Police Retirement System established in Code Chapter 411 are presumed to be a disease contracted while on active duty due to the job for purposes of establishing a disability pension or providing a death benefit. The retirement system provides enhanced benefits if the disability or death of the member is considered to have occurred while on active duty. The Act defines "cancer" to mean prostate cancer, primary brain cancer, breast cancer, ovarian cancer, cervical cancer, uterine cancer, malignant melanoma, leukemia, non-Hodgkin's lymphoma, bladder cancer, colorectal cancer, multiple myeloma, testicular cancer, and kidney cancer. The Act defines "infectious disease" to mean HIV or AIDS, all strains of hepatitis, meningitis, and tuberculosis. The Act also provides that the presumption will not apply to members who joined the retirement system after July 1, 1992, in relation to which the cancer or infectious disease would not have existed but for a medical condition that was known on the date the member joined.

The Act also increases the minimum contribution rate for members of the pension system from 9.35 percent to 9.4 percent of salary.

SENATE FILE 237 - Pseudoephedrine Product Sales

BY COMMITTEE ON JUDICIARY. This Act relates to the sale of a pseudoephedrine product by a pharmacy or retailer.

PENALTIES. The Act provides that a person shall not purchase more than 3,600 milligrams of pseudoephedrine, either collectively or separately, within a 24-hour period from a pharmacy unless the person has a prescription. A person who violates this provision of the Act commits a serious misdemeanor.

PHARMACY. The Act requires a purchaser of a pseudoephedrine product from a pharmacy to sign an electronic logbook. If the electronic logbook is unavailable, the pharmacy is required to keep an alternative record that complies with rules adopted by both the Governor's Office of Drug Control Policy and the State Board of Pharmacy.

The Act requires a pharmacy, an employee of a pharmacy, or a licensed pharmacist, to enter a purchaser's name, address, date of purchase, time of purchase, name of pseudoephedrine product, and quantity sold into an electronic logbook. If the electronic logbook is unavailable for use, the pharmacy is required to keep written records of the transaction including a signature. The Act requires a pharmacy to keep electronic logbook records for a period of 24 months from the date of the last entry.

The Act requires that the Governor's Office of Drug Control Policy establish a statewide real-time central repository to track pseudoephedrine product sales at pharmacies. The Act requires a pharmacy dispensing pseudoephedrine products to report all such sales electronically to the central repository under the control of the Governor's Office of Drug Control Policy. If the pharmacy has written records, the records are also to be reported for entry into the repository. If the electronic logbook is unavailable for use, the pharmacy is required to keep written records of the transaction including a signature.

The Act makes confidential the information collected in the central repository unless otherwise ordered by a court, or the records are released by the custodian of the records pursuant to state or federal law. A person who discloses information stored in the central repository in violation of the Act commits a simple misdemeanor.

The Act provides that a pharmacy, an employee of a pharmacy, or a licensed pharmacist shall not be liable to any person for any claim which may arise when reporting in good faith pseudoephedrine sales to the central repository.

A pharmacy, an employee of a pharmacy, or a licensed pharmacist shall not be provided access to the stored information in the electronic central repository, except for the limited purpose of determining what sales have been made by the pharmacy.

RETAILER. The Act requires a retailer or an employee of a retailer to print the name of the pseudoephedrine product purchased and the quantity sold next to the name of each purchaser in the logbook. The Act requires the retailer to keep the logbook 24 months from the date of the last entry. The retailer is not required to keep an electronic logbook of pseudoephedrine purchases.

ADVISORY COMMITTEE. The Act establishes a Pseudoephedrine Advisory Committee to provide input and advise the office regarding the implementation and maintenance of the statewide real-time central repository. The advisory committee shall consist of four licensed pharmacists including a pharmacist from an independent pharmacy, a regional chain pharmacy, and a national chain pharmacy. The council shall also consist of four members of the General Assembly serving as ex officio, nonvoting members.

CONTINGENT APPLICABILITY. New Code Sections 124.212A and 124.212B created in the Act do not become applicable until sufficient funding is received and the central repository under the control of the Governor's Office of Drug Control Policy is established on a statewide basis. However, the provision in the Act which

requires a pharmacy to keep logbook records 24 months from the date of the last entry takes effect on March 25, 2009.

SENATE FILE 295 - Department of Administrative Services — Leases on Real Property

BY COMMITTEE ON STATE GOVERNMENT. This Act authorizes the Department of Administrative Services to honor and maintain an existing lease related to real property acquired by the department on behalf of the state. The Act establishes certain limitations on this authority, including that the lease is not to be renewed beyond the term of the existing lease and any renewal periods that are solely at the discretion of the lessee; the lease is not to be renewed by the department as the lessor if the lessor has discretion to not renew under the existing lease; the lease is not to be maintained for a period in excess of 10 years from the date of acquisition without the approval of the Executive Council; and the lease is not to be maintained if the lessee at the time of the acquisition ceases to occupy the leased property.

SENATE FILE 334 - Legislative Committees — Government Oversight

BY GRONSTAL. This Act eliminates the Legislative Oversight Committee as a permanent committee of the Legislative Council and revises statutory references to that committee to instead refer to the General Assembly's standing committees on Government Oversight.

SENATE FILE 372 - Statewide Broadband Policy Development — Study

BY COMMITTEE ON COMMERCE. This Act requests the Legislative Council to establish an interim study committee to evaluate the need for statewide broadband access, the extent to which such access exists, and the necessity for and content of a statewide broadband policy. The Act directs the committee to review exclusively the provisions of the Federal Communications Code and other federal laws affecting the implementation of broadband in conducting the study. If the committee decides to issue a report summarizing its review, that report shall be submitted to the General Assembly by January 15, 2010.

SENATE FILE 430 - Statutory Boards, Commissions, Councils, and Committees — Legislative Appointments

BY COMMITTEE ON RULES AND ADMINISTRATION. This Act relates to appointments to statutory boards, commissions, and councils that involve the General Assembly. Many of the provisions conform legislative appointments to the general requirement in Code Section 69.16B that terms of legislative appointments coincide with the convening of a General Assembly in odd-numbered years and end in two years upon the convening of the subsequent General Assembly.

The requirements for gubernatorial appointments that are subject to Senate confirmation are also revised. The final date for submission of such appointments to the Senate is changed from March 15 to March 1. When such appointments are made during the legislative interim, the appointment notice must be submitted to the Senate within three days of the appointment date.

Terms of legislative appointments are addressed for the following bodies: the Local Government Innovation Commission, the Iowa Learning Technology Commission, the Board of Trustees of the Iowa Cultural Trust, and the Board of Trustees of the State Fire and Police Retirement System.

The Act clarifies that the legislative appointments to the following are not to be legislators: the Medical Assistance Quality Improvement Council and the Compliance Advisory Panel for the federal Clean Air Act. In addition, the quality improvement council membership is expanded from seven to eight members and the appointment authority is changed to the four legislative leaders instead of the Legislative Council.

The number of legislators appointed to the Sex Offender Research Council is changed from an indefinite number to four and the appointment authority is given to the four legislative leaders instead of the Legislative Council.

The membership provisions for the Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission are revised to eliminate a limitation of 16 voting members. Existing law provides a list of 17 interests to be represented on the commission.

The Act takes effect on May 18, 2009, and applies to legislative appointments made before, on, or after that date and to the Governor's appointments made on or after that date.

SENATE FILE 446 - **Nonsubstantive Code Corrections**

BY COMMITTEE ON JUDICIARY. This Act makes Code changes and corrections that are considered to be nonsubstantive and noncontroversial, in addition to style changes.

Changes made include adding, correcting, or updating references to various Iowa Code provisions; correcting or updating references to or names of various state officials, Code terminology, and various programs; correcting grammar or punctuation; correcting misspellings and other minor clerical errors; standardizing citations and internal references; updating the style or format of various Code sections, with a particular focus on renumbering and reformatting provisions in Volume II of the Code; updating Code section hierarchy references to reflect the addition of new elements; and making technical corrections to various Acts to reflect editorial corrections that were either made when the Acts provisions were codified or are made in the Act in anticipation of future codification.

The corrections made to 2008 Iowa Acts, Chapter 1088, take effect April 3, 2009, and apply retroactively to July 1, 2008. The amendments to 2008 Iowa Acts, Chapter 1181, take effect April 3, 2009, and apply retroactively to July 1, 2008. The amendments to 2008 Iowa Acts, Chapter 1187, Section 9, take effect April 3, 2009, and apply retroactively to July 1, 2008. The amendment to 2008 Iowa Acts, Chapter 1191, takes effect August 1, 2009.

SENATE FILE 449 - **Substantive Code Corrections**

BY COMMITTEE ON JUDICIARY. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities.

Changes are made in provisions relating to eminent domain; travel agencies; economic development; the Iowa Finance Authority; public improvement contracts; elections and redistricting; labor and employment; public safety; civil commitment; health care professions and services; tattooing establishments; domestic and sexual violence; education, education finance, and institutional property; food standards and safety; human remains; tobacco and tobacco products; foundlings; renewable fuels and coproducts; agricultural products and chemicals; drainage districts; animal health and safety; coal mining; civil rights; assistive devices; protection and care of children and dependent adults; medical assistance; transportation; county and city regulation; utilities; taxation; Brushy Creek Recreation Trails Advisory Board; environmental protection; hunting, fishing, and trapping regulations; limited liability companies, business and professional corporations, and associations; securities regulation; individual development accounts; Uniform Commercial Code; abandoned property; nonresident attorneys; crimes and criminal history records; foreclosure regulation; extradition proceedings; veterans affairs and benefits; alcohol and controlled substances regulation; area agencies on aging; and juvenile justice.

The change to Code Section 294A.9, relating to the repeal of phase II of the Educational Excellence Program, takes effect May 22, 2009.

The change to 2008 Iowa Acts, Chapter 1191, relating to the duties of the School Budget Review Committee, takes effect May 22, 2009, and applies retroactively to July 1, 2008.

HOUSE FILE 380 - **Public Health — Miscellaneous Changes**

BY COMMITTEE ON HUMAN RESOURCES. This Act makes revisions to various programs under the jurisdiction of the Department of Public Health. Programs impacted include the State Registrar of Vital Statistics relating to change of name provisions; emergency medical services programs; the Board of Podiatry relating to temporary and permanent licenses; the Board of Barbering relating to the definition of barbering, barbering instructor licensing, and the maximum penalty for violations of barber licensed provisions; the State Medical Examiner Advisory Council meeting requirements; the Board of Physical and Occupational Therapy administrative provisions; the Board of Nursing Home Administrators; and the Dental Board.

Effective April 10, 2009, tooth whitening is included within the definition for the practice of dentistry. The Act also repeals Code Section 135.30, which requires that all eyeglasses or sunglasses be fitted with plastic lenses, laminated lenses, heat-treated glass lenses, or glass lenses made impact resistant. Federal regulations address impact resistance and testing.

HOUSE FILE 705 - **Safe Room and Storm Shelter Standards**

BY COMMITTEE ON REBUILD IOWA AND DISASTER RECOVERY. This Act requires the State Building Code Commissioner to adopt rules specifying standards and requirements for the design and construction of safe rooms and storm shelters. The standards shall be incorporated into the State Building Code. The standards shall not require the inclusion of a safe room or shelter in a building construction project unless authorized by another state law or by federal law or regulation. The standards shall apply to any safe room or storm shelter that is included in any building construction project which reaches the design development phase on or after January 1, 2011.

In developing rules as required by the Act, the State Building Code Commissioner, in consultation with the departments of Public Defense, Natural Resources, and the Rebuild Iowa Office, shall conduct a study relative to best practices in the design of buildings, safe rooms, and storm shelters to reduce the risk of injury from severe weather. The initial rules relative to safe rooms and storm shelters shall be adopted between February 1, 2010, and April 1, 2010, with an effective date of no earlier than July 1, 2010.

HOUSE FILE 707 - **Statewide Fire and Police Retirement System — Line of Duty Death Benefit**

BY COMMITTEE ON STATE GOVERNMENT. This Act modifies the \$100,000 line of duty death benefit for a person covered under the Statewide Fire and Police Retirement System established in Code Chapter 411 by providing that a member's adult child or children are included as an eligible beneficiary. Previously, only a member's minor children were included as eligible beneficiaries for this death benefit.

The Act takes effect April 17, 2009.

TAXATION

- [SENATE FILE 43](#) - Property Tax Abatements or Refunds — Religious, Literary, or Charitable Society
- [SENATE FILE 44](#) - 2008 Disaster Relief Funding — Local Option Sales and Services Tax
- [SENATE FILE 253](#) - Income Tax Return Deadlines for Active Duty Military Personnel
- [SENATE FILE 322](#) - Taxation — Administration and Related Changes
- [SENATE FILE 456](#) - Wind and Renewable Energy Tax Credit Eligibility
- [SENATE FILE 481](#) - Historic Preservation and Cultural and Entertainment District Tax Credits
- [SENATE FILE 483](#) - Tax Credit Limits — Net Operating Loss Carryback Elimination
- [HOUSE FILE 256](#) - Property Tax Sales — Bidders and Owners of Tax Sale Certificates
- [HOUSE FILE 477](#) - Real Estate Declaration of Value Forms — Social Security and Tax Identification Numbers

RELATED LEGISLATION

- [SENATE FILE 142](#) - Economic Development Assistance — Funds, Tax Credits, and Benchmarks
SEE ECONOMIC DEVELOPMENT. This Act makes a number of changes relating to economic development, including the creation of an Innovation and Commercialization Fund, the administration of certain third-party developer tax credits, the nonreversion of funds for the Jumpstart Disaster Assistance Program, and conforming changes related to a strategic plan requirement stricken in 2008.
- [SENATE FILE 207](#) - Iowa Finance Authority — Miscellaneous Changes
SEE ECONOMIC DEVELOPMENT. This Act provides that, for purposes of Code Chapter 16, relating to the Iowa Finance Authority, the term "project" includes certain projects for which tax-exempt financing is authorized by the Internal Revenue Code, together with any taxable financing necessary or desirable in connection with such project.
- [SENATE FILE 304](#) - Targeted Jobs Withholding Tax Credit Program
SEE ECONOMIC DEVELOPMENT. This Act relates to agreements entered into for purposes of the Targeted Jobs Withholding Tax Credit Program.
- [SENATE FILE 376](#) - Iowa Jobs Program, Bonding, Miscellaneous Appropriations and Reductions, and Other Miscellaneous Changes
SEE ECONOMIC DEVELOPMENT. This Act creates an Iowa Jobs Program, an Iowa Jobs Board, and an Iowa Jobs Fund; authorizes the issuance of bonds including tax-exempt bonds; and makes and revises appropriations. Division VI of the Act makes changes to Code Section 8.57 relating to the distribution of wagering tax allocations for purposes of pledging a revenue stream for the new revenue bonds issued under the Act. The Act takes effect May 14, 2009.
- [SENATE FILE 389](#) - Health Care — Services, Providers, and Insurance
SEE HEALTH AND SAFETY. This Act relates to health care, health care providers, and health care coverage. The Act provides that if the health benefits coverage or insurance of an Iowa taxpayer includes coverage of a nonqualified tax dependent as determined by the federal Internal Revenue Service, the amount of the value of that coverage is not subject to state income tax. This amendment applies retroactively to January 1, 2009. The Act includes provisions relating to the medical assistance (Medicaid) and hawk-i programs and amends the income tax provision for reporting of a dependent child's health care coverage status to require, beginning with the tax returns for tax year 2010, that a person who files an individual or joint income tax return indicate the presence or absence of health care coverage for each dependent child for whom an exemption is

claimed. If the taxpayer indicates that a dependent child does not have health care coverage and the income of the taxpayer's tax return does not exceed the highest level of income eligibility standard for the Medicaid or hawk-i program, the Department of Revenue (DOR) is required to notify the taxpayer that the dependent child may be eligible for these programs and to provide information to the taxpayer about how to enroll the dependent child in the appropriate program. The taxpayer is then required to submit an application for the appropriate program within 90 days of receiving the enrollment information. Information to be reported by DOR to the Governor and the General Assembly includes whether a taxpayer who claims a dependent indicates coverage or lack of coverage for the dependent, and the number of such families who subsequently apply for an appropriate program. This provision takes effect July 1, 2010.

[SENATE FILE 419](#)

- Transportation — Administration Regulation, Enforcement, and Funding
SEE TRANSPORTATION. Division V of this Act amends Code Section 452A.3 to clarify that aviation gasoline is excluded under the formula for the calculation of the excise tax on ethanol blended gasoline and regular gasoline.

[SENATE FILE 449](#)

- Substantive Code Corrections
SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities in provisions relating to municipal tax rates and levies; the Road Use Tax Fund; individual and corporate income taxes; manufactured, modular, and mobile home property taxes; sales taxes on food; and inheritance taxes.

[SENATE FILE 457](#)

- Disaster Recovery and Remediation — Expenditures — Financing
SEE LOCAL GOVERNMENT. Division III of this Act authorizes cities and counties to designate a disaster revitalization area if the area is within a county or portion of a county declared a disaster area. An ordinance establishing a disaster revitalization area and tax exemption is required to expire or be repealed no later than December 31, 2016. Division III of the Act takes effect May 12, 2009. Division IV of the Act establishes a nonrefundable income tax credit for a qualifying investment in a disaster recovery housing project. Division IV takes effect May 12, 2009, and applies to disaster recovery housing project costs incurred on or after May 12, 2009, and before July 1, 2010.

[SENATE FILE 476](#)

- Nursing Facilities — Quality Assurance Assessments and Provider Reimbursements
SEE HEALTH AND SAFETY. Division I of this Act creates a quality assurance assessment imposed on nursing facilities and a Quality Assurance Trust Fund. The Act imposes the assessment on nursing facilities for each patient day. Once the Department of Human Services (DHS) collects the assessments, the revenue is to be deposited in the Quality Assurance Trust Fund established in the Act under the authority of DHS. Moneys in the trust fund are required to be used, subject to their appropriation by the General Assembly, only for reimbursement of services for which federal financial participation under Medicaid is available to match state funds. Nursing facilities are to continue to be reimbursed under the modified price-based case-mix reimbursement methodology originally created in 2001 for the Medicaid Programs. Division II of the Act provides directives to DHS and contingencies. Divisions I and II take effect May 26, 2009.

[SENATE FILE 478](#)

- State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act makes, reduces, and transfers appropriations, provides salaries and compensation of state employees, and covers other properly

related matters. Division VIII updates the version of the Internal Revenue Code used for certain research activities tax credits, allows the Director of the Department of Revenue to require a composite tax return to be filed by certain taxpayers, eliminates an assistive device tax credit for small businesses, increases the standard for the exception to the penalty for making underpayments of estimated tax, defines the sales tax exemption for casual sales, makes the sales price for certain transactions exempt from the state sales tax taxable under state and local hotel and motel tax, and repeals the livestock production tax credit. Division XV provides tax incentives to certain data center businesses. Division XVIII relates to sales tax rebates to owners of automobile racetrack facilities. Division XX relates to a sales tax exemption for certain nonprofit youth athletic groups. Division XXII relates to the property tax exemption eligibility for methane gas conversion property. Division XXIV creates reporting requirements for the Department of Revenue regarding research activities tax credits.

[SENATE FILE 480](#)

- Film, Television, and Video Project Promotion Program — Fees and Qualified Expenditures
SEE ECONOMIC DEVELOPMENT. This Act relates to the eligibility for tax credits and deductions from income received under the film, television, and video project promotion program.

[SENATE FILE 482](#)

- Volunteer Service Programs
SEE LABOR AND EMPLOYMENT. This Act relates to youth employment programs administered by the Commission on Volunteer Service by establishing the Iowa Summer Youth Corps and Green Corps programs and includes an individual income tax exemption for federal Segal AmeriCorps education award payments. Provisions establishing the programs take effect May 26, 2009. The provision creating the tax exemption for federal Segal AmeriCorps education award payments takes effect January 1, 2010, for tax years beginning on or after that date.

[HOUSE FILE 811](#)

- Appropriations — Health and Human Services
SEE APPROPRIATIONS. This Act relates to and makes appropriations for health and human services for FY 2009-2010 and includes the repeal of the Child Care Credit Fund, which had designated the use of certain tax revenues for child care subsidies.

[HOUSE FILE 817](#)

- Economic Growth and Expansion and Research Activities Tax Credit Funding
SEE ECONOMIC DEVELOPMENT. This Act relates to the amount of tax credits available for innovative renewable energy generation components as part of the research activities tax credit.

[H.J.R. 1](#)

- Proposed Constitutional Amendment — Natural Resources and Outdoor Recreation Trust Fund
SEE NATURAL RESOURCES AND OUTDOOR RECREATION. This Joint Resolution proposes an amendment to the Constitution of the State of Iowa to dedicate a portion of state sales and service tax revenue for the benefit of water quality, natural areas, and agricultural soils in this state.

TAXATION

[SENATE FILE 43](#) - **Property Tax Abatements or Refunds — Religious, Literary, or Charitable Society**
BY COMMITTEE ON LOCAL GOVERNMENT. This Act requires the board of supervisors of a county having a population of more than 21,000 but not more than 21,300 to abate or refund the property taxes owed, with all interest, fees, and costs, which were due and payable during the fiscal years beginning July 1, 2007, and July 1, 2008, on the land and buildings of a religious, literary, or charitable society that acquired the property by gift or purchase and that did not receive a property tax exemption due to the inability or failure to file for the exemption in a timely manner. The religious, literary, or charitable society is required to apply to the county board of supervisors by August 1, 2009, to receive the abatement or refund. If an abatement or refund is allowed, the exemption is allowed on the property for successive years without further filing.

The Act takes effect April 15, 2009, and applies retroactively to property taxes due and payable in the fiscal years beginning July 1, 2007, and July 1, 2008.

[SENATE FILE 44](#) - **2008 Disaster Relief Funding — Local Option Sales and Services Tax**
BY COMMITTEE ON WAYS AND MEANS. This Act allows a city or unincorporated area located in a county in which the President of the United States declared a disaster to exist at any time during 2008 to impose a local option sales and services tax pursuant to Code Chapter 423B using an expedited procedure. A city or unincorporated area where a local option sales and services tax is already imposed pursuant to Code Chapter 423B on February 2, 2009, is prohibited from using the provisions in the Act. The provisions of Code Chapter 423B apply to the imposition of a local option sales and services tax under the expedited process with exceptions for the treatment of contiguous cities and counties, voting procedures and timelines, voter approval, imposition dates, and distribution of tax receipts.

The Act takes effect February 2, 2009.

[SENATE FILE 253](#) - **Income Tax Return Deadlines for Active Duty Military Personnel**
BY COMMITTEE ON VETERANS AFFAIRS. This Act provides that an individual on active duty military service who is deployed overseas in other than a combat zone, hazardous duty area, or contingency operation is allowed the same additional period of time to file a state income tax return under Iowa law as allowed under federal law for individuals in a combat zone or contingency operation.

The Act applies retroactively to January 1, 2008, for tax years beginning on or after that date.

[SENATE FILE 322](#) - **Taxation — Administration and Related Changes**
BY COMMITTEE ON WAYS AND MEANS. This Act relates to the technical administration of the tax and related laws by the Department of Revenue, including the income taxes, the sales and use taxes, the property tax, and certain fees for new vehicle registrations.

The Act makes existing Code Sections 422.4 and 422.70 applicable to the administration of the instructional support income surtax. Code Section 422.4 defines certain tax-related terms, and Code Section 422.70 relates to certain general powers of the director of the department and to hearings conducted by the department.

The Act eliminates the requirement that the Director of Revenue develop forms to be used in the administration of the one-time motor vehicle registration fee imposed by 2008 Iowa Acts, Chapter 1113.

Current law provides that married persons filing separate returns must both use the standard deduction if either of them uses the standard deduction. The Act provides that married persons filing separately must also both claim itemized deductions if either claims itemized deductions. This provision of the Act applies retroactively to January 1, 2009, for tax years beginning on or after that date.

Current law provides for a rebate of the sales tax collected by retailers at certain automobile racetrack facilities to the owner or operator of the automobile racetrack facility. The amount of the rebate is determined by counting only the state sales tax rate. In 2008, the state sales tax rate was increased from 5 percent to 6

percent. The Act provides that, despite the 2008 increase in the sales tax rate, the rebate for sales taxes collected at racetrack facilities cannot exceed 5 percent of the sales price.

The Act makes October 31 the required yearly completion date for each of the following property tax-related assessments made by the department: the general property listing required by Code Section 428.29, the telephone and telegraph companies tax assessment, the railway companies tax assessment and the related transmission to county auditors, the electric transmission lines tax, the adjusted assessed value determined for purposes of the tax on electricity and natural gas providers, and the pipeline companies tax assessment.

[SENATE FILE 456](#) - Wind and Renewable Energy Tax Credit Eligibility

BY COMMITTEE ON WAYS AND MEANS. This Act modifies eligibility requirements applicable to the wind energy production tax credit established in Code Chapter 476B and the renewable energy tax credit established in Code Chapter 476C.

With regard to the wind energy production tax credit, the Act provides for a maximum combined nameplate capacity restriction of no more than 30 megawatts for applicants for the credit. The Act also adds to the definition of "qualified facility," for applications filed on or after July 1, 2009, by a private college or university, community college, institution under the control of the State Board of Regents, public or accredited nonpublic elementary and secondary school, or public hospital as defined in Code Section 249J.3, for the applicant's own use of qualified electricity a wind turbine with a combined nameplate capacity of three-fourths of a megawatt or greater.

The Act deletes a provision which had prevented eligibility for the wind energy production tax credit for any kilowatt-hour of electricity produced on wind energy conversion property for which the owner had claimed or received specified special property tax valuation or sales tax exemptions. Because of the retroactivity of the elimination of the restriction of the receipt of the tax credit to those who had not received the sales tax exemption, a provision for refund of sales tax paid is included in the Act. These provisions and the provision regarding a maximum combined nameplate capacity restriction take effect April 23, 2009, and apply retroactively to January 1, 2008, for tax years beginning on or after that date.

The Act changes a provision specifying the maximum amount of nameplate generating capacity of all qualifying facilities under Code Chapter 476B, currently at 450 megawatts of nameplate generating capacity, to 150 megawatts.

With regard to the renewable energy tax credit, the Act provides for an extension of time for a wind energy conversion facility to become operational following issuance of an approval from the current period of 12 additional months to 24 additional months.

The Act changes a provision specifying the maximum amount of nameplate generating capacity for all eligible wind energy conversion facilities under Code Chapter 476C, currently at 180 megawatts of nameplate generating capacity, to 330 megawatts.

The Iowa Utilities Board is directed to conduct a study to evaluate whether procedures applicable to eligible renewable energy facilities which have been approved for the renewable energy tax credit under Code Chapter 476C but are not yet operational, and facilities which have been placed on a waiting list for approval, are in need of modification. The board is required to submit recommendations to the General Assembly by January 1, 2010, regarding whether statutory or procedural modifications appear necessary.

[SENATE FILE 481](#) - Historic Preservation and Cultural and Entertainment District Tax Credits

BY COMMITTEE ON WAYS AND MEANS. This Act relates to historic preservation and cultural and entertainment district tax credits.

Current law provides that the rehabilitation costs of residential property or barns must equal \$25,000 or 25 percent of the fair market value of the structure, whichever is less. The Act provides that the 25 percent provision is calculated against the assessed value, instead of the fair market value.

Current law provides that the approval process for a project applying for the credit must be completed within 90 days of the date on which the project is submitted to the Department of Cultural Affairs. The Act provides that the 90-day period is measured from the date on which the completed application is received by the department. The application is not automatically approved unless the department has failed within the 90-day period to either deny the application or contact the applicant for further information.

A rehabilitation project for which tax credits have been reserved must begin rehabilitation of the property before the end of the fiscal year in which the project application was approved and the tax credits reserved. Property eligible for a tax credit must be placed in service within 36 months of approval. Projects approved prior to July 1, 2009, must be placed in service on or before June 30, 2011. Rehabilitation projects not meeting these requirements are subject to revocation, repayment, or recapture of the tax credits.

The Act increases the aggregate amount of tax credits that may be approved in a fiscal year from \$20 million to \$50 million. Of the \$50 million of tax credits that may be approved in a fiscal year, for the fiscal period beginning July 1, 2009, and ending June 30, 2012, the department must reserve a portion of the tax credits for different tax years. For the fiscal year beginning July 1, 2009, the department must reserve not more than \$20 million worth of tax credits for a taxable year beginning on or after January 1, 2009, and not more than \$30 million worth of tax credits for a taxable year beginning on or after January 1, 2010. For the fiscal year beginning July 1, 2010, the department must reserve not more than \$20 million worth of tax credits for a taxable year beginning on or after January 1, 2010, and not more than \$30 million worth of tax credits for a taxable year beginning on or after January 1, 2011. For the fiscal year beginning July 1, 2011, the department must reserve not more than \$20 million worth of tax credits for a taxable year beginning on or after January 1, 2011, and not more than \$30 million worth of tax credits for a taxable year beginning on or after January 1, 2012.

The Act changes the amount of tax credits that may be allocated by the department to certain types of projects. Of the \$50 million that may be approved, 10 percent must be allocated for projects costing less than \$500,000, 30 percent must be allocated for projects in cultural and entertainment districts, 20 percent must be allocated for disaster recovery projects, 20 percent must be allocated for projects that will result in the creation of 500 or more jobs, and 20 percent must be allocated for eligible projects generally, without imposing special requirements. Taxpayers receiving a tax credit allocation for projects that involve the creation of 500 or more jobs must provide documentation on the creation of the jobs to the Department of Cultural Affairs and the Department of Economic Development. If, in any fiscal year, an amount of tax credits allocated pursuant to certain projects goes unclaimed, those tax credits may be reallocated by the department to other projects according to the relative priority of projects.

The Act modifies some of the duties relating to the administration of the tax credit program, including removing certain consultation duties of the Department of Economic Development.

[SENATE FILE 483](#) - Tax Credit Limits — Net Operating Loss Carryback Elimination

BY COMMITTEE ON WAYS AND MEANS. This Act relates to tax credits for economic development and agricultural assets transfers and to net operating losses.

Division I of the Act sets a maximum aggregate limit on the amount of tax credits the Department of Economic Development may issue pursuant to the High Quality Job Creation Program; the Film, Television, and Video Project Promotion Program; the Corporate Research Tax Credit of the Quality Jobs Enterprise Zone Program; the Enterprise Zones Program; and the Assistive Device Tax Credit Program. The department may not issue more than \$185 million of tax credits under these programs. The amount of tax credits that may be issued under the Agricultural Assets Transfer Tax Credit Program is limited to \$3 million. The division applies to contracts and agreements entered into or tax credits awarded on or after July 1, 2009.

Division II of the Act ends the carryback of net operating losses of corporations in tax years beginning on or after January 1, 2009, and provides only for the current carryforward period of 20 taxable years. The division applies retroactively to January 1, 2009, for tax years beginning on or after that date.

[HOUSE FILE 256](#) - Property Tax Sales — Bidders and Owners of Tax Sale Certificates

BY COMMITTEE ON JUDICIARY. This Act provides that a bidder at a tax sale for delinquent property taxes or the holder of a tax sale certificate must meet the statutory definition of "person." Also, in order to register to bid or to bid at a tax sale or to own a tax sale certificate, a person, other than an individual, must have a federal tax identification number and either have filed with the Secretary of State a designation of agent for service of process or have filed with the appropriate county recorder a verified statement of trade name of a business.

The Act takes effect March 13, 2009, and applies to tax sales held on or after June 1, 2009.

[HOUSE FILE 477](#) - Real Estate Declaration of Value Forms — Social Security and Tax Identification Numbers

BY COMMITTEE ON COMMERCE. When real estate is conveyed, a declaration of value signed by at least one of the sellers or buyers or their agents must be submitted to the county recorder for purposes of calculating the real estate transfer tax (Code Section 428A.1). The declaration of value must include information about the real estate including the consideration paid, and must be signed by one of the parties or their agents. The Department of Revenue prescribes the form for such declarations which includes places for the inclusion of facts and circumstances relating to the sale (Code Section 428.7).

This Act provides that if the declaration of value form requires or provides for the inclusion of the social security number or federal identification number of the seller or buyer, such information is confidential.

TRANSPORTATION

- [SENATE FILE 151](#) - Railways, Railway Assistance, and Passenger Rail Service
- [SENATE FILE 356](#) - Motor Vehicle Regulations — Licensing of Foreign Nationals — False Convictions
- [SENATE FILE 374](#) - Certified Motor Vehicle Operating Records — Resale and Use
- [SENATE FILE 419](#) - Transportation — Administration, Regulation, Enforcement, and Funding
- [HOUSE FILE 321](#) - Transporters of Iowa Veterans Home Members — Chauffeur's License Exemption
- [HOUSE FILE 481](#) - Vehicles Hauling Distillers Grains — Excess Weight Allowance

RELATED LEGISLATION

- [SENATE FILE 322](#) - Taxation — Administration and Related Changes
SEE TAXATION. This Act relates to the technical administration of the tax and related laws by the Department of Revenue, including the income taxes, the sales and use taxes, the property tax, and certain fees for new vehicle registrations.
- [SENATE FILE 449](#) - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities in provisions relating to highway signs and displays; state transportation department administration; the Road Use Tax Fund; prohibited interests in highway, bridge, and culvert contracts; motor vehicle title surcharges; product identification number tampering; traffic speed and safety regulations; school bus drivers; motor vehicle-related arrests; service of process by government entities on nonresidents; motor vehicle financial responsibility; aviation authorities; snowmobile and all-terrain vehicles decal violations; and the Living Roadway Trust Fund.
- [SENATE FILE 478](#) - State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. This Act makes, reduces, and transfers appropriations, provides salaries and compensation of state employees, and covers other properly related matters. Division VI exempts certain persons who obtain junking certificates from vehicle recycle licensing requirements, eliminates certain restrictions on the ability of a city or county to assess the cost of a public improvement against the state, subjects certain motorcycles purchased for lease to a new vehicle registration fee, and eliminates certain signage requirements relating to all-terrain vehicles.
- [HOUSE FILE 552](#) - Appointment of Airport Commissioners
SEE LOCAL GOVERNMENT. This Act modifies residency requirements for membership on an airport commission to allow a minority of the members to be persons who are residents of an Iowa city or county served by the airport.
- [HOUSE FILE 805](#) - Appropriations — Transportation
SEE APPROPRIATIONS. This Act makes appropriations from the Road Use Tax Fund and the Primary Road Fund to the Department of Transportation.
- [HOUSE FILE 811](#) - Appropriations — Health and Human Services
SEE APPROPRIATIONS. This Act relates to and makes appropriations for health and human services for FY 2009-2010 and includes an authorization for the Department of Human Services to issue a request for proposals to implement a transportation brokerage system under the Medical Assistance (Medicaid) Program.

[HOUSE FILE 820](#)

- Federal Block Grant Appropriations and Other Federal Funding

SEE APPROPRIATIONS. This Act appropriates federal block grant, federal American Recovery and Reinvestment Act of 2009 (ARRA), and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010, and for the state fiscal year beginning July 1, 2009, and ending June 30, 2010. The Act includes ARRA funding for the Street Construction Fund of the Cities and the Secondary Road Fund of the Counties.

TRANSPORTATION

SENATE FILE 151 - Railways, Railway Assistance, and Passenger Rail Service

BY COMMITTEE ON TRANSPORTATION. This Act contains provisions relating to assistance for railroads and passenger rail service.

Division I — Railway Assistance

Division I of the Act repeals Code Chapter 327I, in which the Iowa Railway Finance Authority was established. The duties and responsibilities of the Railway Finance Authority for administration of the Railroad Revolving Loan and Grant Fund are transferred to the Department of Transportation (DOT). The DOT is the successor to the rights and obligations of any agreements for railroad assistance entered into by the Railway Finance Authority, and the terms and duration of those prior agreements are preserved. The authority currently granted to the Railway Finance Authority to acquire lands for certain additional purposes, such as constructing sections of track, establishing additional depot grounds or yards, modifying or adding right-of-way, and preserving abandoned railroad right-of-way, is retained by the DOT along with the right to condemn abandoned railroad right-of-way.

The division lifts the current limitation on the total amount available in the Railroad Revolving Loan and Grant Fund that may be awarded annually in the form of grants.

The division strikes a standing appropriation from the Statutory Allocations Fund for the payment of principal and interest on obligations of the Railway Finance Authority or the payment of leases guaranteed by the authority.

Division II — Passenger Rail Service

Division II of the Act provides for the administration of passenger rail service, including administration of the Passenger Rail Service Revolving Fund, by the DOT.

The division defines the term "passenger rail service" as long-distance, intercity, and commuter passenger transportation, including the Midwest Regional Rail System, which is provided on railroad tracks. The current list of potential funding sources for the Passenger Rail Service Revolving Fund is amended to include appropriations made by the General Assembly.

Currently, the Director of Transportation has authority to enter into agreements with AMTRAK and with states associated with the Midwest Regional Rail System for the purpose of developing a passenger rail system serving the Midwest. The Act modifies that authority to allow agreements with AMTRAK, other rail operators, local jurisdictions, and any other states for the purpose of developing passenger rail service serving Iowa.

SENATE FILE 356 - Motor Vehicle Regulations — Licensing of Foreign Nationals — False Convictions

BY COMMITTEE ON TRANSPORTATION. This Act establishes a procedure to remove a conviction relating to the operation of a motor vehicle from a driving record if the conviction was entered due to fraud, and requires verification of status in regard to the driver's license of a foreign national.

The Act authorizes the Department of Transportation to issue a driver's license to a foreign national only for the length of time the foreign national is authorized to be present in the United States as verified by the department, not to exceed two years. Current law specifies the department is to determine the length of time a foreign national is authorized to be present in the United States.

Under the Act, if a record of conviction for a scheduled violation under Code Chapter 321 is entered against a person as a result of the fraudulent use of the person's name, the person, within one year of the date of discovery of the conviction, may submit a written application to the department to investigate the allegation. The department may summarily reject the application or proceed to investigate the application. If the department investigates the application, the department shall issue a report and findings along with its decision. The department shall provide a copy of the decision approving or denying the application to the

applicant and a copy of the report, findings, and the decision approving or denying the application to the prosecuting attorney and the district court in the county where the scheduled violation was prosecuted.

The Act provides that a person may bypass the application procedure with the department and move in district court to set aside the judgment of conviction. An applicant with an approved application from the department shall also move in district court to set aside the conviction in order to have the department expunge or alter the records of the department or rescind or modify an administrative sanction. If the district court grants the motion to set aside the judgment, the district court shall order the charging agency or official to modify the records of the agency or official to reflect the order setting aside the judgment.

Under the Act, the department shall not expunge or alter the records of the department or rescind or modify an administrative sanction unless the department receives an order from the district court setting aside the judgment entered under a fraudulent name.

The Act provides that the department may impose a new sanction if expunging the judgment would result in a lesser or different sanction.

[SENATE FILE 374](#) - Certified Motor Vehicle Operating Records — Resale and Use

BY COMMITTEE ON COMMERCE. This Act addresses restrictions on the use of the certified abstract of the operating record of an individual. A certified abstract of the operating record is the document maintained by the Department of Transportation (DOT) that identifies, for an individual driver's licensee, certain personal information, including records of motor vehicle violations, convictions, and sanctions. Information in a certified abstract may only be disclosed for uses which are permissible under the federal Driver's Privacy Protection Act. Pursuant to current law, a person other than a public agency that requests a certified abstract from the DOT must pay a fee of \$5.50 for each abstract.

The Act provides that a person who purchases a certified abstract from the DOT may only use, sell, disclose, or distribute the abstract one time, for one purpose, and may not supply the abstract or any part of the abstract to more than one other person. However, a person who purchases and supplies an abstract to an insurer may share the abstract with the same insurer more than once. A person who is supplied a certified abstract or any part of the abstract may use the abstract only one time, for one purpose, and may not reuse, sell, disclose, or distribute any part of the abstract.

A subsequent request and additional fee is required for any subsequent use, sale, disclosure, or distribution of the same abstract or any portion of the abstract, or for supplying any part of the abstract to another person. However, the Act lists the following uses for which a subsequent request is not required for a purchaser who is an insurer or insurance producer, or for a person who is supplied an abstract or part of an abstract: to provide a copy to a consumer affected by a decision based on information contained in the abstract; for internal auditing purposes; by an insurer, for internal purposes consistent with the federal Driver's Privacy Protection Act; to show compliance with lawful retention requirements; by an insurer, to provide a copy to an insurance producer appointed by the insurer, or by the insurance producer to provide a copy to the insurer, for purposes of a specific application for coverage; and to provide a copy, for specific permissible purposes, to an affiliate of the insurer who purchased the abstract or was supplied the abstract.

The Act requires a person who purchases a certified abstract from the DOT to keep records for five years identifying the persons to whom the abstract is provided and the use of the abstract and to make the records available to the DOT upon request. The recordkeeping requirements also apply to a person who is supplied an abstract and provides the abstract to another person for any of the permissible purposes under the Act.

There is a corrective amendment to the Act in S.F. 478, section 37 (see Appropriations).

[SENATE FILE 419](#) - Transportation — Administration, Regulation, Enforcement, and Funding

BY COMMITTEE ON TRANSPORTATION. This Act contains miscellaneous provisions concerning the administration of the Department of Transportation (DOT), matters regulated by the department, and related matters.

Division I — Administration

Division I strikes a disused provision authorizing the use of moneys in the Statutory Allocation Fund for expenditures for projects on bridges over rivers bordering the state which are not payable from the Primary Road Fund.

Division II — Driver Licensing

Division II provides that a person who has been named by a court as the temporary custodian of an unmarried minor may consent to the issuance of a driver's license to the minor. The custodian may authorize the minor's participation in the Graduated Driver Licensing Program and fulfill the role of parent or guardian for the accompanied driving requirements of the program.

Current law allows a person between 14 and 18 years of age with a special minor's driver's license to operate a motor vehicle during the hours of 6 a.m. to 10 p.m. over the most direct route between the licensee's residence and school or the closest bus stop. Division II expands the hours to the period from 5 a.m. to 10 p.m. and allows the person to drive to the service station closest to the traveled route for the purpose of refueling.

Division II amends provisions relating to disqualification of a commercial motor vehicle operator for operating while intoxicated. Under current law, a person is disqualified from operating a commercial motor vehicle for one year if the person is found to have operated a commercial motor vehicle while any amount of a controlled substance is present in the person or if the person is found to have operated a commercial or noncommercial motor vehicle while under the influence of an alcoholic beverage or other drug or controlled substance. The division replaces those provisions with a single requirement that a person is disqualified from operating a commercial motor vehicle for one year if the person is found to have operated a commercial or noncommercial motor vehicle while intoxicated, as that term applies for all motor vehicle operators under Code Chapter 321J. The division also requires that when a person's driver's license has been administratively revoked upon a charge of operating while intoxicated and a criminal decision on the evidence leads to rescission of the revocation, the DOT shall also rescind a disqualification from operating a commercial motor vehicle that resulted from the same circumstances if the person was operating a noncommercial motor vehicle and holding a commercial driver's license when the incident occurred. This latter provision takes effect May 22, 2009, and applies retroactively to January 1, 2005, for disqualifications in effect on or after that date.

The division strikes the duty of the DOT to determine whether a person has the ability to pay a criminal penalty, fine, surcharge, or court costs before suspending the person's driver's license for failure to pay.

Under current law, when a person is convicted of operating a motor vehicle while the person's driver's license was suspended or revoked, the DOT is required to extend the license suspension or revocation for an additional like period. The division limits the additional suspension or revocation to an additional like period or one year, whichever period is shorter.

When a person's driver's license is revoked by the DOT following a conviction for a second or subsequent offense of operating while intoxicated, the person is currently ineligible for a temporary restricted driver's license during the first year of the two-year revocation period. The division reduces the period of ineligibility to 45 days.

Division II repeals the administrative authority of the DOT to waive or refund driver's license fees.

Division III — Vehicles

Language allocating revenue from trailer registration fees to the TIME-21 Fund is revised to account for fees that are prorated for a portion of a year, and not just fees that are collected for the entire year. This provision takes effect May 22, 2009, and applies retroactively to January 1, 2009.

The definition of "dealer" in Code Chapter 321 is amended to include persons required to be licensed as motor vehicle dealers or as travel trailer dealers.

Division III eliminates specific requirements for the design of registration plates issued for private school buses and transit buses. Plates labeled "private school bus" or "transit bus" will no longer be required.

The division allows a private towing company to sell an abandoned vehicle towed at the request of the owner of private property. Under the division, a private property owner or person in control of private property may employ a garagekeeper to tow an abandoned vehicle from the private property and take the vehicle into custody without the initiative of a police authority. Within 20 days after taking the vehicle into custody, the garagekeeper must provide notice to the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or personal property found in the vehicle. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle within 10 days, the garagekeeper may either sell the vehicle at public auction or demolish the vehicle. Pursuant to current law, when a vehicle is abandoned on a garagekeeper's property, a police authority may take the vehicle into custody and sell the vehicle at auction; otherwise, the garagekeeper may dispose of the vehicle to a demolisher. "Garagekeeper" is defined as an operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles.

The division allows the DOT to issue special Gold Star motor vehicle registration plates with a design and color that varies from that of regular registration plates. Currently, most special plates must conform to the design and color of regular registration plates, except for a space to allow placement of a distinguishing processed emblem.

Current law requires that when the DOT suspends or revokes a person's driver's license following a conviction for certain offenses, most notably operating while intoxicated, the department shall also suspend the registration of all motor vehicles registered in the name of the person, unless the person gives and maintains proof of financial responsibility with respect to the motor vehicles. The division creates an exception to the registration suspension requirement for a motor vehicle awarded to an individual in a proceeding for dissolution of marriage or similar proceeding if the individual co-owns the motor vehicle with a spouse who is required to file and maintain proof of financial responsibility and a lien against the motor vehicle prevents the individual from obtaining title in the individual's sole name. The provision takes effect May 22, 2009.

The division amends several provisions relating to vehicle recyclers. The division specifies that a license is required for a person engaged in the business of dismantling, scrapping, recycling, salvaging, or obtaining a junking certificate for more than six vehicles subject to registration in a 12-month period. However, S.F. 478, section 74, strikes the licensing requirement for a person in the business of obtaining junking certificates. The period for filing a supplemental statement form with the DOT is changed from within 15 days after each operational change to at least 10 days prior to any operational change. The division clarifies that grounds for revocation of a license include conviction of a fraudulent practice or any other indictable offense in connection with selling or other activity relating to motor vehicles. For five years following such a conviction, a person shall not be, and shall not represent themselves to be, an owner, salesperson, employee, officer of a corporation, or representative of a licensed motor vehicle recycler.

The division makes revisions to Code Sections 322.3 and 322.6 relating to prohibited acts regarding motor vehicle manufacturing, distributing, and selling and to denial of an application for a motor vehicle dealer's license, respectively. The division clarifies provisions regarding prohibitions against, and denial of a motor vehicle dealer's license for, acts which are fraudulent practices or other indictable offenses in connection with selling or other activity relating to motor vehicles. In addition, the division provides that a motor vehicle dealer's license may be denied if the applicant is or will be acting on behalf of a person whose dealer license has been revoked.

Division IV — Enforcement

Current law gives peace officers inspection authority concerning vehicles and component parts and establishes recordkeeping requirements for vehicle rebuilders, vehicle salvagers, used vehicle parts dealers, motor vehicle dealers, and certain other persons engaged in related practices. Currently, a violation of those provisions is a simple misdemeanor, punishable by confinement of no more than 30 days or a fine of at least \$65 but not

more than \$625. Division IV changes the penalty to a simple misdemeanor punishable by a scheduled fine of \$50.

The division provides statutory authority to DOT peace officers to enter a motor carrier's place of business, at reasonable times and places and with reasonable notice, for the purpose of performing motor carrier safety audits or compliance reviews pursuant to federal motor carrier safety regulations. In addition, the peace officers are authorized to inspect and copy federally required motor carrier records.

The division refines the procedure for processing a uniform citation and complaint that is created electronically. Specifically, the issuing agency must transmit the uniform citation and complaint to the court, and the officer issuing the citation must deliver a document to the defendant which contains a section for the defendant and a section which may be sent to the court.

Division V — Fuel Tax Revenues

Division V amends Code Section 452A.3 to clarify that aviation gasoline is excluded under the formula for the calculation of the excise tax on ethanol blended gasoline and regular gasoline.

Division VI — TIME-21 Fund — Cap on Annual Deposits

Division VI establishes a cap on the amount of revenue to be deposited in the TIME-21 Fund. Beginning with FY 2008-2009, not more than \$225 million shall be deposited in the TIME-21 Fund. Any revenues directed to the TIME-21 Fund above that limit are to be deposited or retained in the Road Use Tax Fund. This provision takes effect May 22, 2009.

HOUSE FILE 321 - **Transporters of Iowa Veterans Home Members — Chauffeur's License Exemption**
BY COMMITTEE ON VETERANS AFFAIRS. Under current law, a person who operates a motor vehicle in the transportation of passengers for wages, compensation, or hire is considered a chauffeur and is subject to specific driver licensing requirements. Exceptions exist for certain public employees who transport persons in the course of their employment. This Act creates a new exception for authorized employees and volunteers of the Iowa Veterans Home who, in the course of their regular duties, transport patients or residents of the home in an automobile. By definition, an automobile is a motor vehicle designed to carry nine or fewer passengers.

HOUSE FILE 481 - **Vehicles Hauling Distillers Grains — Excess Weight Allowance**
BY COMMITTEE ON TRANSPORTATION. Under current law, a truck transporting raw farm products, soil fertilizers, raw dairy products, livestock, live poultry, or eggs may be operated with a gross weight of 25 percent in excess of its registered gross weight. This Act grants the same weight allowance for a special truck used for farming when the special truck is carrying a load of distillers grains. Distillers grains, the product remaining after ethanol is extracted from corn mash, is used as an ingredient in livestock feed. As a result of the Act, a farmer who uses a special truck to haul corn to an ethanol plant will be able to return to the farm with an equivalent load of distillers grains.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

A provision in S.F. 478, Section 78 (see Appropriations), which addressed ineligibility for a temporary restricted license when a person's license is revoked after failing a chemical test.

APPENDICES:

[Sections Amended, Added, or Repealed](#)
[Iowa Acts Amended](#)