



*END OF SESSION WRAP-UP  
83rd GENERAL ASSEMBLY  
Second Session – 2010*

---

*Prepared by the House Republican Caucus Staff*

*Jeff Mitchell, Staff Director  
Lon Anderson, Research Analyst  
Matt Hinch, Research Analyst  
Kristi Kielhorn, Research Analyst  
Ann McCarthy, Research Analyst  
Lew Olson, Research Analyst  
Tony Philips, Research Analyst  
Brad Trow, Research Analyst  
Jason Chapman, Caucus Secretary*

## TABLE OF CONTENTS

AGRICULTURE.....	3
APPROPRIATIONS.....	6
COMMERCE .....	13
ECONOMIC GROWTH.....	16
EDUCATION.....	18
ENVIRONMENTAL PROTECTION.....	21
GOVERNMENT OVERSIGHT.....	25
HUMAN RESOURCES.....	26
JUDICIARY.....	30
LABOR.....	32
LOCAL GOVERNMENT.....	38
NATURAL RESOURCES.....	40
PUBLIC SAFETY.....	43
REBUILD IOWA.....	46
STATE GOVERNMENT.....	48
TRANSPORTATION.....	51
VETERANS AFFAIRS.....	53
WAYS AND MEANS.....	55

(Note: The Status term "Passed by Both Chambers" means that the same version of a bill was approved by both the House and Senate, but it had not yet been sent to the Governor as this document was finalized.)

## **AGRICULTURE**

### **HOUSE FILE 763—WIRB ADMINISTRATIVE COSTS**

House file 763 proposed to allow the watershed improvement review board to authorize interest earned on moneys in the watershed improvement fund to be used by the soil conservation division of the department of agriculture and land stewardship for purposes of providing administrative support to the board.

***STATUS: DYING ON SENATE UFB CALENDAR***

### **HOUSE FILE 2182—ON FARM ELECTRICAL INSTALLATION**

House File 2182 proposed to Change the Electrical Code chapter (103) to narrow the definition of "commercial" to a place of business where goods, wares, services, or merchandise is stored or offered for sale on a wholesale or retail basis. It refers to a residence only when used as a business and it does apply to a farm, or an industrial installation. The bill rewrites a provision which exempts installation on farms to explicitly exclude the chapter's requirements do not apply to a person performing any installation by a farmer, employee or relative of the farmer, or farm operator/manager and any installation on a farm does not require a permit or inspection.

***STATUS: DIED BY REFERRAL TO HOUSE LABOR COMMITTEE***

### **HOUSE FILE 2206—AG DRAINAGE WELL CLOSURE DEADLINE EXTENSION**

House File 2206 proposed to extend the deadline by which an owner of land that contains an agricultural drainage well must comply with requirements for preventing surface water drainage. The requirements include removing a surface water intake if it empties into the well, constructing and maintaining sidewalls surrounding the well's cistern, ensuring that the well and related drainage system are adequately ventilated, and installing a locked cover over the well or its cistern. The owner must close an agricultural drainage well located in an area in which there is an anaerobic lagoon or earthen manure storage basin. The deadline for complying with the requirements expired on December 31, 2001. The bill extends the deadline to December 31, 2015.

***STATUS: DIED ON HOUSE CALENDAR***

### **HOUSE FILE 2273—DRAINAGE DITCH/LEVEE WORK LET-BID NOTIFICATION THRESHOLD**

House File 2273 proposes to increase the minimum amount (from \$15,00 to \$20,000) of a let bid for work on a drainage ditch or levees above which the contract must be noticed and advertised in a newspaper in the county where the work will occur. The bill clarifies language concerning bidder financial security, lowers the amount of financial bid security from 10% to 5% of the amount bid and eliminates the bid security cap of \$10,000.

***STATUS: SIGNED BY THE GOVERNOR***

### **HOUSE FILE 2324—DNR CFO COMMON MANAGEMENT DEFINITION & MINIMUM MANURE STORAGE**

House File 2324 proposes to extend a current Code definition of common management that already applies to open feedlot animals to animals in confinement feeding operations and reiterates legislative intent that last year's legislation dealing with manure application restrictions on snow or ice covered ground does not require unpermitted existing confinement operators to build a specified minimum amount of manure storage. HF 2423 would both replace existing DNR administrative rule language interpretation and preempt a pending DNR rule revision to formalize the interpretation of a definition of 'common management' that applies to only to non-cattle confinement animal feeding operations that utilize liquid manure handling with language that would be consistent regardless of the type of manure involved or the species of animals producing the manure.

The other aspect of HF 2324 dealt with a pending DNR rule that would require confinement animal feeding operations to have at least 180-days of cumulative manure storage in order to be afforded the right to emergency apply manure on frozen or snow covered ground, regardless of when the operation was constructed or last expanded and that no livestock farmer should plan on being able to land apply liquid manure during the December 21 through April 1 timeframe. The bill would explicitly allow confinement operations that use liquid manure systems that were built before the enactment of last year's legislation to use the emergency application of liquid manure on frozen/snow covered ground even if they had less than 180-days of manure storage.

***STATUS: DIED ON HOUSE CALENDAR***

#### **HOUSE FILE 2380—TAKING OF CROP RESIDUE ON FARM LAND TENANCY**

House File 2380 adds a new subsection to the Code chapter dealing with farm tenancy to explicitly give such a farm tenant the right to take part of the harvested plant remaining after grain harvest, unless a written agreement to do otherwise is agreed to by both parties.

***STATUS: SIGNED BY THE GOVERNOR***

#### **HOUSE FILE 2512—INCREASED TRUCK WEIGHT LIMITS FOR 6 & 7 AXEL RIGS**

HF 2512 proposes to expand an existing Code authority that allows trucks moving livestock and construction materials with six axles to weigh up to a ranges from 80,500 pounds to 90,000 pounds; and up to 96,000 pounds for seven axles to apply to all commercial vehicles of similar size. The measure requires that a commercial motor vehicle traveling under the relaxed weight restrictions must be operated by a person with a commercial driver's license valid for the vehicle operated, unless the operator is exempt from commercial driver licensing requirements under existing law. The bill does not apply to vehicles operated on interstate highways.

***STATUS: LANGUISHING ON THE SENATE CALENDAR***

#### **SENATE FILE 2248—CFO NPDES PERMITS & CFO-DNR ALTERNATE APPEAL PROCESS**

Senate File 2248 makes two changes in state livestock regulations to comply with federal United State Environmental Protection Agency (US-EPA) rules. The first clarifies that confinement feeding operations large enough to be considered concentrated animal feeding operations by US-EPA rules must get a NPDES permit. The second aspect provides for an alternative appeal process when a person has been denied a NPDES permit, or granted one by the director of the DNR that the appeal will be with an administrative law judge, rather than the Environmental Protection Commission as is the case with other mostly-livestock DNR permits.

***STATUS: SIGNED BY THE GOVERNOR***

### **SENATE FILE 2299—GRAIN DEALER/WAREHOUSE ANNUAL FEE RESTRUCTURING**

Senate File 2299 significantly updates the license fee structure for the first time in over two decades to reflect changes that have occurred in how grain is marketed and used in the state. The bill provides that a licensee must pay the participation fee on the last date of the fund's fiscal quarter after the licensee's anniversary date, but may elect to pay the participation fee in four successive installments, due on last date of the fund's fiscal quarter. A person applying for the issuance of a new license must pay IDALS an initial participation fee as part of the application, and then recalculate the participation fee when making the first required payment as a licensee. The participation fee, like the existing, but dormant per-bushel fee, takes effect on July 1. A licensed grain dealer pays not more than fourteen-thousandths of a cent per-bushel assessed on all purchased grain and a licensed warehouse operator pays not more than fourteen- thousandths of a cent per bushel of bulk grain storage capacity or \$500 whichever is less. However, the minimum payment for a licensee is \$50.

***STATUS: SIGNED BY THE GOVERNOR***

### **SENATE FILE 2359—ETHANOL-BLENDED GASOLINE MANDATE**

Senate File 2359 proposed to restrict the sale and advertisement for sale of gasoline that is not blended with at least 10% ethanol. The bill would exempt gasoline used to operate certain qualified motor vehicles, including aircraft, motor vehicles involved exclusively in motor sports events, antique vehicles, snowmobiles, all-terrain vehicles, watercraft, and lawnmowers, but retailers could have no more than one pump and dispenser for gasoline not blended with at least 10% ethanol. The measure included a contingent provision to increase the minimum amount of ethanol that must be in gasoline to the maximum that US-EPA would allow for non-flexible fuels which could change this summer from 10% to 15% or higher. The bill also would have changed how the ethanol promotion tax credit is calculated by adding the counting of high-ethanol (more than 11% ethanol) in the calculation of ethanol-blend gasoline gallonage, and adding 10-cents a gallon to the E-85 tax credit schedule which is a declining rate starting at 20-cents in 2011 and declining to 1-cent in 2020 (new rate would start at 20-cents in 2011 and decline a penny a year to 10-cents in 2020).

***STATUS: REFERRED/DIED IN SENATE AGRICULTURE COMMITTEE***

## **APPROPRIATIONS**

### **HOUSE JOINT RESOLUTION 2005 – BUDGET REFORM IN THE CONSTITUTION**

House Joint Resolution 2005 contains two of the three budget reform priorities of the House and Senate Republicans. The first part would put the 99 percent expenditure limitation law into the constitution. The second part would require a two-thirds majority vote of the Legislature before any bonds are issued. The resolution would put the issue before the voters in the form of an amendment to the state's constitution. The third part of budget reform is a form of zero-based budgeting. It was originally added to Senate File 2088, the state government reorganization bill, but was stripped out at the request of the Governor. Unfortunately, HJR 2005 was referred to House Appropriations Committee and not debated.

***STATUS: DIED IN COMMITTEE***

## **SENATE FILE 2151 – FY 2010 SUPPLEMENTAL APPROPRIATIONS BILL (PART I)**

Senate File 2151 is the first of two supplemental appropriation bills.

During the 2009 Legislative Session, House File 820 appropriated \$36.2 million from the American Reinvestment and Recovery Act (ARRA) to various Department of Human Services' budget units. DHS uses those funds as a match to draw down additional Federal funds. The ARRA legislation specified that those funds may be considered State General Fund dollars and used for any purpose, so it was assumed the State was in compliance with all Federal requirements. However, it was determined that even though the State was in compliance with ARRA, there was nothing in the legislation to notwithstanding Federal Medicaid and Title IV-E law that prohibits matching federal dollars with federal dollars. SF 2151 switches several funding sources to comply with Federal law.

The Senate approved SF 2151 on a 31-16 on February 4 and the House approved the bill on a 53-42 on February 24. The Governor signed the bill on March 3 without item veto.

***STATUS: SIGNED BY THE GOVERNOR***

## **SENATE FILE 2366 – FY 2010 SUPPLEMENTAL APPROPRIATIONS BILL (PART II)**

Senate File 2366 is the second of two supplemental appropriation bills.

Senate File 2366 is the second of two supplemental appropriation bills. The bill appropriates \$51.1 million in general fund dollars for FY 2010, primarily to backfill Regents and Community Colleges so that their funding levels are in compliance with Federal law. The bill also reduces appropriations from the Rebuild Iowa Infrastructure Fund (RIIF) by \$19.3 million due to declining casino profits and interest.

The Senate passed SF 2366 on a 30-17 vote on February 25.

The House carved out \$883,628 from the Performance of Duty appropriation to the Executive Council for flood damage repair for storm damage repair at the state training school in Eldora and allowed the backfill of empowerment dollars to carry forward into FY 2011. The House passed the bill on a 55-43 vote on March 15. The Senate concurred with the House amendment on March 17 on a 32-18 vote.

***STATUS: PASSED BY BOTH CHAMBERS***

## **SENATE FILE 2367 – ADMINISTRATION AND REGULATION BUDGET BILL**

SF 2367 funds the operation for the Department of Administrative Services, Department of Revenue, Department of Inspections and Appeals as well as the statewide elected officers including the Governor's office. The bill appropriates \$63.6 million from the general fund, an increase of \$2.6 million. The Senate added several pieces of policy language including a grandfather clause for Maid-Rite in Marshalltown, establishing a pilot program from the State employee health pool for Medication Therapy Management, permitting banks under the purview of the Division of Banking to pledge assets to hedge risks associated with interest rate exposure with approval of the Superintendent of Banking.

The Senate passed the bill on March 10 on a 29-20 vote.

The House made the following changes and passed the bill on a 51-45 vote on March 19:

- Doubles the amount DAS can charge per health contract from \$2 to \$4
- Strikes the \$10,000 allocation to National Conference of Insurance Legislators
- Appropriates \$250,000 from the general fund to adult dependent abuse
- Strikes the contingent appropriation for additional enforcement officers should new casinos be added in FY 2011
- Changes the language for the pilot project on Medication Therapy Management
- Increases the number of board members on a Department of Human Rights board
- Adds the financial literacy language from H-8421
- Appropriates \$6000 from the general fund for the Iowa public information board, if House File 777 (open records) is enacted.
- Allows a county treasurer to collect delinquent taxes when a person applies for a motor vehicle renewal.
- Requires the sale of high alcoholic content beer be regulated the same as regular beer.

The Senate passed the bill on a 30-19 vote on March 23 with the following changes:

Strikes the increase of \$2 to \$4 fee increase for DAS insurance policies

Strikes the \$250,000 for dependent abuse.

Increase the appropriations for Governor by \$116,904

Increase the appropriations for Administrative Rules Coordinator by \$12,717

Increase the appropriations for the National Governor's association dues by \$30,000

Reinstates the new gaming officers if new licenses are issued.

Increases the appropriation for DOM by \$115,000

Changes to procurement language for technology

Strikes the Medication Therapy Management provisions and the County Treasurer's language

Strikes the Treasurers ability to establish a financial literacy fund.

Strikes the appropriation of \$6,000 for the Iowa Public Information Board (HF 777)

The House concurred with the Senate amendment and passed the bill on a 53-39 vote on March 26.

***STATUS: PASSED BY BOTH CHAMBERS***

### **HOUSE FILE 2525 – AGRICULTURE AND NATURAL RESOURCES BUDGET BILL**

HF 2525 funds the operations of the Department of Natural Resources (DNR) and the Department of Agriculture and Land Stewardship. The bill appropriates a total of \$35.9 million from the General Fund and 1,627.0 FTE positions for FY 2011. This is a decrease of \$341,000 and an increase of 25.6 FTE positions compared to estimated net FY 2010. The Bill also appropriates \$76.2 million from other funds. This is a decrease of \$9.0 million compared to estimated FY 2010.

The House passed the bill on a 53-44 vote on March 16.

The Senate passed the bill on March 22 on a 30-17 vote with the following changes:

- Transfers \$238,000 from IDALS to the Midwest Grape and Wine Industry Institute at Iowa State University. This transfer is the same as what the legislature did last year.
- Requires DNR to submit information for next year's budget that includes line items for the Fish and Wildlife Trust Fund, including law enforcement, wildlife, and fisheries bureaus and capitals projects.

- Inserts language that allows IDALS to use CREP funds for the Mississippi Basin Initiative.
- Appropriates \$200,000 for four years from the Solid Waste Account (SWAP) of the Groundwater Protection Fund. The appropriation will be used for illegal dumping and litter prevention and education. This fund is used by the DNR to fund projects for waste management.
- Establishes a fund in IDALS to receive fees collected pursuant to the “puppy mill” legislation, HF 2280. HF 2280 allowed IDALS to collect and retain fees for the operation of the program. The Department of Management said that the department needed a fund to hold the fees for tracking purposes.
- The amendment strikes a portion of the bill that states the intent of the General Assembly that DNR should not use REAP funds in future years (after FY11) for the payment of bonds for the Honey Creek resort.

The House made changes to the Fish and Game Trust Fund language and required the Leopold Center to consult with ISU extension on the local food and farm plan. The House passed the bill on a 54-39 vote on March 26. The Senate concurred with the House amendment and passed the bill on March 26 on a party-line vote.

***STATUS: PASSED BY BOTH CHAMBERS***

### **HOUSE FILE 2522 – ECONOMIC DEVELOPMENT BUDGET BILL**

HF 2522 appropriates a total of \$41.8 million from the General Fund and 507.5 FTE positions to the Department of Cultural Affairs, the Department of Economic Development, Board of Regents economic development programs, Iowa Workforce Development, and the Public Employment Relations Board (PERB). This is an increase of \$1.0 million and a decrease of 3.1 FTE positions compared to estimated net FY 2010. This Bill increases support from other funds by \$158,000 to a total of \$11.6 million.

The House passed the bill on a 55-43 vote on March 16.

The Senate passed the bill on a 30-17 on March 22 with the following changes:

- Reduces Workforce Development Operations by \$50,000.
- Increases funding for Employee Misclassification by \$50,000.
- Requires an out of state contractor to file a surety bond with the Division of Labor Services in the amount of \$25,000 or provide a statement that the contractor is pre-qualified to bid on projects for the Iowa Department of Transportation.
- Amends House File 681 (Iowa Worker Adjustment Retraining Act):
  - Allow a collective bargaining agreement to supersede the definition of part-time employee in the bill.
  - Allows severance pay to be considered part of the 30 day notice period.
- Transfers \$100,000 that is appropriated to the Iowa Wine and Beer Promotion Board from the Iowa Department of Economic Development to the Midwest Grape & Wine Industry Institute at Iowa State University.

The House concurred with the Senate amendment and passed the bill on a 53-41 vote on March 25.

***STATUS: PASSED BY BOTH CHAMBERS***

**SENATE FILE 2376 – EDUCATION BUDGET BILL**

SF 2376 Appropriates a total of \$844.4 million from the General Fund and 12,319.0 FTE positions to the Department for the Blind, the College Student Aid Commission, the Department of Education, and the Board of Regents. This is an increase of \$28.5 million and a decrease of 7.7 FTE positions compared to estimated net FY 2010.

The Senate bill included language to exempt teacher salaries from across the board cuts. The Senate stripped out the retroactive portion of the language and passed the bill on a 29-20 vote on March 16.

The House passed the bill on a 55-44 on March 22 with the following changes:

- For FY11 there shall be six library services and funds shall be equally distributed among the six areas. Requires a study of library services areas with report due to legislature on January 15, 2011. Also requires library service areas to annually provide details of their revenues, expenditures, and FTEs.
- Strikes ability of five districts to use their PPEL money to lease a facility where Hawkeye Community College offers courses. Clarifies that STEM is a collaborative effort between UNI and Iowa's community colleges.
- Appropriates \$9 million from the Iowa comprehensive petroleum underground storage tank fund to the Regents Universities and special schools. This amendments means that the state meets the federal ARRA state funding requirement.
- Strikes MOU from Senate File 2088 – the Race to the Top bill.
- Makes any nonprofit corporation that receives public money and is established or operated by elected officials subject to Iowa's open meeting/open records law.
- Requires the AEA study to include how AEAs are funded including the percentage of state, federal and local moneys used to pay for administrative services and salaries.

The Senate reinstated the MOU and struck all of the open meetings language in lieu of a study of nonprofits and allowed the **current** students of Waldorf college to remain part of the not-for-profit Iowa Tuition Grant program. On January 8, 2010, Waldorf College was sold and will become a for-profit entity.. The Senate passed the bill on a 28-19 vote on March 25. The House concurred with the Senate amendment and passed the bill on a 52-44 vote on March 26.

***STATUS: PASSED BY BOTH CHAMBERS***

**HOUSE FILE 2519 – FEDERAL BLOCK GRANT BUDGET BILL**

House File 2519 authorizes the receipt and expenditure of federal funds totaling \$6.3 billion for Federal Fiscal Year (FFY) 2011. This is an increase of \$96.7 million compared to estimated FFY 2010.

Also in the bill is the expenditure of \$47.9 million in remaining unobligated federal stimulus funds. The funds are appropriated to K-12 education and the general fund appropriation to K-12 is reduced by the same amount. This creates a \$47.9 million hole in the K-12 education budget in FY 2012.

The bill passed the House on a 53-41 vote on March 15. The Senate approved the bill without amendments on a 30-17 vote on March 18 and sent the bill to the Governor.

***STATUS: PASSED BY BOTH CHAMBERS***

### **HOUSE FILE 2526 – HEALTH AND HUMAN SERVICES BUDGET BILL**

House File 2526 Appropriates a total of \$942.6 million from the General Fund and 6,961.4 FTE positions to the Department on Aging, Departments of Public Health, Human Services, and Veterans Affairs, and the Iowa Veterans Home. This is a decrease of \$180.1 million and a decrease of 29.3 FTE positions compared to estimated net FY 2010.

The bill uses \$542 million of one-time money to fund the program within HHS including Medicaid. This does include the likely growth in the program, which is expected to be \$110 million.

The House passed the bill on a 53-45 vote on March 18.

The Senate passed the bill on a 30-19 vote on March 23. The Senate amendment makes a number of changes to the bill. Many of the operations of the amendment make technical or editorial corrections to the bill. But a number of other changes are implemented, among these are actions to increase appropriations by nearly \$6,500,000. This is done by lowering the Medicaid General Fund appropriation and replacing those funds with additional money out of the nursing home quality assurance assessment's Quality Assurance Fund.

The House passed the bill on a 54-40 vote on March 26. The House made the following changes:

- Corrects the allocation of funding for the children's substance abuse grant programs.
- Increases the appropriation to the DPH Healthy Children and Families budget unit and increases the allocation for the ABCD II children's health program by \$25,000
- Increases the allocation for the Brain Injury Services program at DPH by \$25,000.
- Strikes competitive bidding language in the revisions to the IWD summer youth employment program. The Department has already taken steps to set up the program. Maintaining the language would require IWD to start the process over and not implement the program until after the summer.
- Inserts the effective date of the expansion of the Family Planning Waiver as July 1, 2011.
- Reduces the allocation for the Child Welfare Provider Training Academy to FY 2010 level.
- Reduces the appropriation for MI State Cases by \$50,000.
- Strikes the language in the amendment that allocates \$500,000 to the Iowa Medicaid Enterprise for the implementation of federal health care reform.
- Strikes the language that notwithstanding the competitive bidding process requirement for the technical assistance contract to Medicaid ID waiver providers.
  
- Strikes the language designating half of the FY 2009 Decat carry-forward funds to reduce rate reductions for certain child welfare provider groups. Instead, this amount is transferred to Medicaid to reduce the waiting list for HCBS waiver services.
- Corrects the amount of the federal Child Care Development Block Grant fund.

- Amends Iowa Code section 135N.5 (1) to direct the Hemophilia Advisory Board, resurrected in the Senate amendment, to coordinate its meetings and staffing with the Center for Congenital and Inherited Disorders Advisory Committee.

The Senate concurred with the House amendment on March 27 and passed the bill on a party-line vote.

***STATUS: PASSED BY BOTH CHAMBERS***

### **SENATE FILE 2377 – JUDICIAL BRANCH (COURTS) BUDGET BILL**

SF 2377 appropriates a total of \$150.3 million from the General Fund to the Judicial Branch. The Judicial Branch has 1,825.40 FTE positions that are not limited in this Bill. This is a decrease of \$9.9 million and a decrease of 183.8 FTE positions compared to estimated net FY 2010. This includes the 7.1% across-the-board reduction and a General Fund appropriation of \$1.5 million to the Jury and Witness Fee Revolving Fund.

The Senate approved the bill on March 16 on a 31-18 vote. The House approved the bill without amendments on March 17 on a 55-41 vote.

***STATUS: PASSED BY BOTH CHAMBERS***

### **SENATE FILE 2378 – JUSTICE SYSTEM BUDGET BILL**

Senate File 2378 appropriates a total of \$484.1 million from the General Fund and 1,836.2 FTE positions to the Departments of Justice, Corrections, Inspections and Appeals, Public Defense, and Public Safety, the Iowa Law Enforcement Academy, Board of Parole, and the Civil Rights Commission. This is an increase of \$18.5 million and a decrease of 47.8 FTE positions compared to estimated net FY 2010. The Department of Corrections has 4,078.5 FTE positions in estimated FY 2010 that are not limited in this Bill. These FTE positions are included in the State budget system and are estimated to decrease by 365.9 FTE positions compared to estimated net FY 2010.

The Senate added \$8.8 million in appropriations due to increases in court costs and other criminal and civil fines. The Senate approved the bill on March 16 on a 30-17 vote.

The House re-wrote the increases in fines and fees in order to eliminate the increases in court costs by still raise \$9.1 million for appropriations. The House passed the bill on a 54-44 vote on March 18.

The Senate concurred with the House amendment on March 22 and approved the bill on a 30-19 vote.

***STATUS: PASSED BY BOTH CHAMBERS***

### **SENATE FILE XXXX – REBUILD IOWA INFRASTRUCTURE FUND BUDGET BILL**

The bill appropriates funds from the Rebuild Iowa Infrastructure Fund (RIIF), the Technology Reinvestment Fund (TRF), the Revenue Bonds Capitals Fund (RBC), and a newly created Revenue Bonds Capitals 2 Fund (RBC2).

**Rebuild Iowa Infrastructure Fund (RIIF).** The fund was established in 1995 with a \$50 million general fund appropriation. Today, the fund gets its revenue from the interest earnings of the Cash Reserve Fund and Iowa

Economic Emergency Fund; interest earnings from moneys within RIIF and the Environment First Fund; master settlement agreement tobacco payment transfer; and moneys from state wagering taxes (gaming facilities) that are in excess of other allocations. For FY 2011, state wagering taxes into RIIF is estimated at \$121.7 million. For FY 2011, the total resources available from RIIF are \$154.5 million.

**Technology Reinvestment Fund (TRF).** The fund was created in FY 2007. The fund is to be used for the acquisition of computer hardware and software, software development, telecommunications equipment, and maintenance and lease agreements associated with technology components and for the purchase of equipment intended to provide an uninterrupted power supply. In FY 2011, the Technology Reinvestment Fund will receive a \$10 million appropriation from RIIF. The fund is under the Department of Management's authority.

**IJOBS - Revenue Bonds Capitals Fund (RBC).** The fund was created during the 2009 Legislative session as part of IJOBS. A total of \$545 million in revenue bond funding was provided for FY 2009 (\$185 million) and FY 2010 (\$360 million). The debt service to pay back the bonds is estimated at \$43 million. FY 11 is the first year this debt services is taking off the top of RIIF dollars. The money is used for transportation infrastructure, state vertical infrastructure projects, local disaster recovery and prevention projects, targeted disaster rebuilding, sewer infrastructure, soil conservation and water quality, housing, high-speed broadband, and alternative energy.

**IJOBS - Revenue Bonds Capitals II Fund (RBC2).** This a new fund created in HSB xxx. A total of \$150 million in revenue bonds is authorized. During the 2009 Legislative session, \$105 million in appropriations bonds was authorized as this part of IJOBS. This bill adds \$45 million. This brings IJOBS to a total of \$875 million over the two years. The bill changes these bonds to revenue bonds, at the advice of the State Treasurer. The debt service to pay back the bonds is estimated at \$12 million. The Legislature has already set aside a total of \$55 million for IJOBS bonds. This \$12 million is the remaining from the \$55 million set-aside. The bill appropriates the money to community disaster prevention projects, Main Street grants, state infrastructure, community college infrastructure, soil conservation practices, bridges, and rail port improvements.

**Paper Contract Documents.** If a deposit is required as part of a paper contract documents distribution policy by the public owner, the deposit cannot exceed \$1,000 per set, which must be refunded upon return of the contract documents within 14 days after award of the project. If the contract documents are not returned in a timely manner and in a reusable condition, the deposit is forfeited.

**Alternative Project Delivery Program – Design Build.** The bill creates a pilot program that creates a different competitive bid process (alternative project delivery) for Board of Regents public infrastructure projects. The use of an alternative project delivery procurement process may be used for those projects where the newly-created alternative project delivery commission determines to be appropriate.

The Senate approved the bill on a XX-XX vote on March 25.

The House approved the bill without amendments on a 52-44 vote on March 26.

***STATUS: PASSED BY BOTH CHAMBERS***

## **HOUSE FILE 2531 – STANDING APPROPRIATIONS BILL FOR FY 2011**

HF 2531 is the Standings appropriations bill for FY 2011. The bill funds the property tax credits from the Property Tax Credit Fund, makes appropriations from the Cash Reserve Fund, puts limitations on several standing appropriations, ratifies the collective bargaining agreements and sets appointed officers salaries, does not set the mental health allowed growth factor for FY 12, adds several bills or parts of policy bills that did not

make it through the funnel deadline and makes several corrective changes. It also allowed an increase in the hotel / motel tax for cities and counties.

The House stripped out the increase in the hotel / motel tax and made several other changes. The House approved the bill on a 51-45 vote on March 25.

The Senate added the following and passed the bill on a 31-18 vote on March 26:

- Several policy bills – Transaxles, Grandparents visitation rights, Income tax check offs, Open Records, Breastfeeding bill, Foster Care bill
- \$4 million from Cash Reserves for a total of \$16 million for the remaining first year grants in the Voluntary 4 Year Old Preschool Program. This \$16 million is in addition to the \$48 million in state aid going to preschool programs that are in their second and subsequent years of operation.
- Medical Therapy Management – House Language in SF 2367 Pilot Program for State Employees with an RFP. \$543K from UST Funds
- Board of Pharmacy Pilot IA Pharmacy Recovery Network \$100K UST Funds
- \$150K IA Pharmacy based medication disposal Program - \$150K UST Funds
- Railroad Liability for flood mitigation on levy -liability language tweak
- USS Iowa - \$53K from Merchant Marines Fund to Cultural Affairs for Administration (closes account)
- 1 FTE to Insurance Division
- Fix for Secretary of State to charge fees.
- Allows for a Library Levy Vote
- Tax credit Fraud Extends the penalty currently in place for false tax refund claims to false or frivolous claims for tax credits as well.
- Regents Special Schools from UST Fund \$370,000 ISD is 233,000, IBS 137,000
- AEA funding cut additional \$2.5m (Total of \$10M). \$2.5M put back in school aid. AEAs held harmless from school aid underfunding. School Districts absorb an additional \$5.1M in underfunding.
- Terrace Hill Funding – Split operations and living quarters. \$168K from Cash reserve for Operations
- SF 2109 - Jeremiah’s law (as passed by Senate)
- Increase racing and gaming cap for enforcement officers salary adjustment (additional 521K)
- MHEC dues paid for by users. Dues portioned by amount of savings. Applies to Regents, Community Colleges and Private Colleges. Administered by DOM.
- UST as passed by Senate – SF 2242
- Hospital provider tax – Appropriates hospital’s share to Upper Payment Limit. Appropriates state’s net gain to Medicaid. Appropriates \$2M from Hospital Provider Tax to the nonparticipating provider account. Appropriates UIHC’s DSH payment.
- Unemployment Insurance Tax Tables – Contingent loan to Unemployment Trust Fund to prevent from going to tax table 2. (approximately \$1.5M from Cash Reserves)
- Strike - SEC 96 – DECAT Funding extension
- Strike SEC 97 – Nutritional Content Standards in Schools
- SF 2349 – Autism \$140K from UST fund – State Employees coverage
- \$97K from UST Fund to Easter Seals for Farmers with Disabilities programs
- FY10 - \$200k from GF to Dept of Management for operations (no Revert)
- FY 10 - \$300K from GF to fund Debt Coordinator, Debt Amnesty and Settlement Programs In FY 11 pay for programs from receipts. (Funds do not revert)
- IJAG - \$540K from Cash Reserve
- Domestic Shelters - \$500K from Cash Reserves
- Power Fund - \$2M from Cash Reserve (Total is \$21.6M)

- Voluntary Preschool - \$4M from Cash Reserve – fulfills \$60M in four years commitment
- DNR Rent \$300K - from Cash Reserves
- DNR Park Volunteers - \$70K from Cash Reserves
- Salaries – No COLAS and NO steps for Non Contract employees
- Strike Sections 107-109 - Residential Sprinklers (SJR 2009 in House)
- High Alcohol Beer Fix – so grocery stores can continue to sell high alcohol beer to bars

The House made the following changes and passed the bill on a XX-XX vote on March XX. The Senate concurred with the House amendment and passed the bill on a XX-XX vote on March XX.

***STATUS: PASSED BY BOTH CHAMBERS***

### **SENATE FILE 2381 – TRANSPORTATION BUDGET BILL**

Senate File 2381 appropriates a total of \$350.7 million to the Department of Transportation (DOT). This includes \$48.9 million from the Road Use Tax Fund, \$301.8 million from the Primary Road Fund, and 3,373.0 FTE positions. This is a net decrease of \$1.6 million and 20.0 FTE positions compared to estimated FY 2010. The Senate passed the bill on a 31-16 vote on March 18.

The House added all-terrain vehicle language and approved the bill March 24 on a 53-46 vote.

The Senate concurred with the House amendment and sent the bill to the Governor.

***STATUS: PASSED BY BOTH CHAMBERS***

### **SENATE FILE 2383 – DEBT COLLECTION BILL**

Senate File 2383 makes dramatic changes to the collection of delinquent debt owed the State and political subdivisions of the State by modifying provisions related to county attorney collections, and writing off and collecting certain delinquent court debt.

The bill adds Senate File 2328, which deals with county treasurers to collect delinquent taxes and House File 816, which allows the director of DOR to subpoena customer records to help by a public or private utility in order to collect debt from individuals. Limits the information to just records and not disclosure of transaction information, account activity, or proprietary information.

Also requires the Clerk of Courts to notify the Centralized Collection Unit (CCU) of the Department of Revenue (DOR), requires the Judicial Branch to contract with a private agency to collect court debt one year after the debt is deemed delinquent, if a county attorney is not collecting the debt. Allows a fee of up to 25% to be paid to a private agency.

The bill also allows cities to contract with private debt collector at 90 days with an add-on collection fee of up to 25.0 percent. The bill establishes a debt settlement program. Requires the Debt Coordinator to establish a debt settlement program no later than January 1, 2011. Requires the program to apply to all court debt obligations except for the following:

- Debt assessed less than four years from the date of application
- Restitution owed to a victim (910.1)

- Civil penalties under 321.218A (drivers license reinstatement), 321A.32A (drivers license reinstatement) or 321J.17 (drivers license reinstatement OWI)
- Jail fees charged

Requires county attorneys to annually file a notice with the clerk of court (July 1) a notice of full commitment to collect delinquent court debt for all cases assigned to the county for collection by the court. Requires, beginning July 1, 2010 amounts collected by county attorneys to be equal to or greater than \$25,000 for each county or \$25,000 in the aggregate for counties that have a 28E agreement. Requires that if the minimum threshold is not met the county is ineligible to participate in the county attorney collection program for the following year. Allows the county to apply to the debt coordinator to reenter the program for the following fiscal year. Requires a participating county to file an annual collection report with the state debt coordinator.

Finally, the bill Establishes a Debt Amnesty Program within DOR from September 1, 2010 through November 30, 2010, for any eligible debt obligation. Prohibits a person in jail, prison, or under supervision from participating. Authorizes DOR to forgive 50% of eligible debt obligation.

The Senate passed the bill on March 24 on a 43-7 vote. The House made a change requested by the private sector and approved the bill on March XX on a XX-XX vote. The Senate concurred with the House amendment on March XX and passed the bill on a XX-X vote.

***STATUS: PASSED BY BOTH CHAMBERS***

## COMMERCE

### **HOUSE FILE 2075 – MANDATED COVERAGE OF CANCER CLINICAL TRIALS**

The bill clarifies that Iowa-regulated insurance plans will provide coverage of services and drugs for Iowans participating in cancer clinical trials. These services will be provided at the same level as if the person was not participating in a trial. Any cost above that level would be covered as part of the trial.

***STATUS: SIGNED BY THE GOVERNOR***

### **HOUSE FILE 2111 – GIVING IWD NOTICE WHEN BUSINESS APPLIES FOR REINSTATEMENT**

The bill requires the Secretary of State to notify Iowa Workforce Development when a company files for reinstatement. This would allow IWD to go after unpaid unemployed insurance tax.

***STATUS: SIGNED BY THE GOVERNOR***

### **HOUSE FILE 2131 – UPDATE REFERENCES TO FEDERAL TRUTH IN LENDING ACT**

The bill changes the reference to the federal Truth in Lending Act to the version in effect on July 1, 2010.

***STATUS: SIGNED BY THE GOVERNOR***

### **HOUSE FILE 2204 – UNDER-30 INSURANCE PLANS**

The bill would allow Iowa insurers to offer health insurance plans that are mandate-free or reduced mandates for Iowans under the age of 30.

***STATUS: DIED IN THE HOUSE COMMERCE COMMITTEE***

**HOUSE FILE 2213 – MANDATE-FREE HEALTH INSURANCE PLANS**

The bill would allow Iowa health insurers to offer mandate-free and mandate-light health insurance plans.

***STATUS: DIED IN THE HOUSE COMMERCE COMMITTEE***

**HOUSE FILER 2214 – HEALTH CARE FREEDOM ACT**

The bill would prevent any federal law from requiring Iowans from having to purchase health insurance.

***STATUS: DIED IN THE HOUSE COMMERCE COMMITTEE***

**HOUSE FILE 2229 – PROHIBITING DENTAL INSURERS FROM SETTING FEES FOR NON-COVERED SERVICES**

The bill prohibits a dental insurer in the state of Iowa from requiring dentists to charge fees, set by the insurer, for services not covered by insurance.

***STATUS: PASSED BY HOUSE AND SENATE***

**HOUSE FILE 2399 – MODIFYING STATE REQUIREMENTS FOR ELECTRIC GENERATION FACILITIES**

House File 2399 amends Iowa’s law governing electrical generation to allow for power companies to maintain access to low-cost electric power. The bill amends the legislative intent adopted in 2001 related to efforts to increase electric generation in Iowa, by adding provisions on cost-efficiency and reliability of fuel sources.

***STATUS: PASSED BY HOUSE AND SENATE***

**HOUSE FILE 2405 – CONFIDENTIALITY OF BROADBAND TECHNOLOGY PROJECT GRANT APPLICATIONS**

The bill provides that certain technical information submitted as part of an application for funding under the Broadband Technology Project Grant program would be kept confidential.

***STATUS: PASSED BY HOUSE, ON SENATE FLOOR***

**HOUSE FILE 2409 – ELIMINATE CERTAIN MORTGAGE DISCLOSURE FILINGS**

The bill repeals a requirement that lenders file a federally-required mortgage loan disclosure statement with the Iowa Finance Authority and makes other Code changes to reflect the repeal of the filing requirement.

***STATUS: PASSED BY HOUSE AND SENATE***

### **HOUSE FILE 2410 – SUBSTITUTION OF ANTI-EPILEPTIC DRUGS**

The bill would require a pharmacist to provide notice to a patient and their health care provider of the intent to substitute a different drug for what the provider prescribed when that drug is used for the treatment of epileptic seizures. Under Iowa law, a pharmacist has the authority to substitute an equivalent drug when it is cheaper for the patient. This bill would place another bureaucratic process on the pharmacist for this one type of drugs.

***STATUS: DIED ON HOUSE FLOOR***

### **HOUSE FILE 2475 – MANDATORY DELIVERY OF PROPANE**

The bill would require a propane marketer to deliver propane to a person who either has the capacity to pay \$500 in cash for the fuel or is a participant in the LIHEAP program. They would also be required to continue delivering fuel to the customer between November 1 and April 1, even if the customer does not have the ability to pay for the fuel.

***STATUS: DIED ON THE HOUSE FLOOR***

### **HOUSE FILE 2486 – INCREASING DOLLAR LIMITS FOR TRANSACTIONS GOVERNED BY THE CONSUMER CREDIT CODE**

The bill increases the dollar amount limit for a transaction governed by the Consumer Credit Code from \$25,000 to \$75,000. The bill also increases the fee for creditors doing business in the state from \$10 to \$20, and creates an annual filing fee for debt collectors of \$300. The penalty for failure to timely file a notification from \$25 to \$50.

***STATUS: DIED ON HOUSE FLOOR***

### **HOUSE FILE 2489 – CHOICE OF AUTO GLASS REPAIR FACILITIES**

The bill – amended by the Committee – will call for a study of issues related to the ability of consumers to choose which glass repair facility they want to use for their auto repair needs.

***STATUS: DIED ON HOUSE FLOOR***

### **HOUSE FILE 2508 – ADDRESSING THE REQUIREMENT OF SPRINKLERS IN NEWLY CONSTRUCTED HOMES**

Under the new building code, most new homes – regardless of size – will be required to have a sprinkler system installed as part of the construction process. House File 2062, as amended by the Commerce Committee, would

change the building code to require a city or county to take an affirmative vote to put this requirement in place for new construction.

***STATUS: DIED ON HOUSE FLOOR***

**SENATE FILE 2073 – DEPT. OF COMMERCE PROFESSIONAL LICENSE DIVISION AMENDMENTS**

The bill addresses issues related to the professional licensing boards within the Department of Commerce. The majority of items deal with accountants, including the addition of peer review requirements. The bill also reduces some filing requirements with the Administrative Rules Coordinator.

***STATUS: SIGNED BY THE GOVERNOR***

**SENATE FILE 2075 – USE OF CREDIT RATING IN CERTAIN INSURANCE RATES**

The bill would limit insurance companies from using a person's credit rating in the establishment of their insurance rates when certain situations occur. Those include loss of job, death of loved one, military service.

***STATUS: SIGNED BY THE GOVERNOR***

**SENATE FILE 2108 – ARTISAN LIEN REVISIONS**

The bill establishes a process where a car-owner can regain possession of their vehicle if they believe the repair facility is engaged in a deceptive act. The owner will contact the Attorney General's office, who will investigate the allegation. If they determine it to be a legitimate complaint, then the Attorney General will provide the repair facility with a notice that they have 1 day to return the car. The artisan lien against the car for costs incurred in repairing the vehicle shall remain in effect. There are no fees in the bill.

***STATUS: SIGNED BY THE GOVERNOR***

**SENATE FILE 2157 – DATES FOR RECORDING CERTAIN TRANSFERS OF REAL ESTATE**

The bill shortens the time period for the recording of an installment sales contract for real estate from 180 days to 90 days. The bill also shortens the time period for filing the disclosure statement from 45 days to 30 days.

***STATUS: SIGNED BY THE GOVERNOR***

**SENATE FILE 2191– BANKING DIVISION POLICY REVISIONS**

The bill makes a number of policy changes under the Banking Division, including revisions to the powers and duties of the Superintendent of Banking.

***STATUS SIGNED BY THE GOVERNOR***

### **SENATE FILE 2192 – PROHIBITING TRANSFER FEE COVENANTS**

The bill would prohibits an agreement between a seller and purchaser of real estate where, if the purchaser sells the property purchased in the future they are required to pay a fee to the original seller or their decedents.

***STATUS: PASSED BY HOUSE AND SENATE***

### **SENATE FILE 2201 – INSURANCE DIVISION REVISIONS**

The bill is the annual proposal from the Insurance Division for changes to Iowa's insurance law. The bill instructs the Insurance Commissioner to establish a work group to annually study health insurance issues and report to the Governor and Legislature. Insurer filings for health insurance rate increases are deemed to be public records, and the Commissioner shall accept public comment and have public hearings on rate increase requests that are above the national average of health care cost growth.

The Commissioner shall work with the Insurance Consumer Advocate to establish a website providing information on health insurance and Iowa health insurers. The Legislative Health Care Coverage Commission is directed to provide the Legislature with the cost of health insurance mandates are already imposed and the potential cost of those being considered by the Legislature.

The bill also imposes a new insurance mandate requiring employers to provide mental health and substance abuse coverage to employees who are veterans.

***STATUS: PASSED BY HOUSE AND SENATE***

### **SENATE FILE 2272 – LIFE AND HEALTH GUARANTY ASSOCIATION**

The bill amends various provisions in the Iowa life and health insurance guaranty association Act codified in Code chapter 508C to protect certain specified persons against failure in the performance of contractual limitations under life and health insurance policies or contracts.

***STATUS: SIGNED BY THE GOVERNOR***

### **SENATE FILE 2313 – CREATING PUBLIC POWER AGENCIES**

The bill amends Iowa Code to allow for the formation and operation of electric power agencies. The bill strikes provisions that require voter approval for participating in such an entity.

***STATUS: SIGNED BY THE GOVERNOR***

### **SENATE FILE 2324 – STATEWIDE CABLE FRANCHISE AMENDMENTS**

The bill revises the 2007 law creating a statewide cable franchise, under the Iowa Utilities Board. The bill would require a statewide franchisee to make certain information known to those communities they intend to serve and inserts time deadlines. If a statewide franchisee fails to perform, then the city may restore the previously existing local franchise.

***STATUS: PASSED BY HOUSE AND SENATE***

**SENATE FILE 2325 – MORTUARY SCIENCE REVISIONS**

The bill adds continuing education requirements for those licensed by the Board of Mortuary Science and also settles whether a buyer or seller is required to pay for a required audit prior to completion of a sale of a business including preneed funeral agreements.

***STATUS: SIGNED BY THE GOVERNOR***

**SENATE FILE 2326 – DISCIPLINE PROVISIONS FOR REAL ESTATE BROKERS**

This bill modifies disciplinary provisions applicable to real estate brokers and salespersons licensed under Code chapter 543B, making adjustments intended to clarify the distinction between provisions relating to suspension or revocation in the Code chapter, and those relating to qualification for initial licensure.

***STATUS: SIGNED BY THE GOVERNOR***

**SENATE FILE 2346 – UNINSURED AND UNDERINSURED MOTORIST COVERAGE**

The bill allows for the sale of uninsured and underinsured motorist coverage that allows the insured to purchase uninsured and underinsured motorist coverage at the same coverage limits as their personal liability coverage.

***STATUS: PASSED BY SENATE, DIED ON HOUSE FLOOR***

**SENATE FILE 2348 – LICENSURE OF ESCROW AGENTS**

The bill establishes a licensure requirement for escrow agents to be licensed in Iowa. The bill exempts certain licensed professions from having to also obtain an escrow agent license.

***STATUS: PASSED BY HOUSE AND SENATE***

**SENATE FILE 2349 – REQUIRING STATE EMPLOYEES' HEALTH INSURANCE PLAN TO COVER AUTISM SERVICES**

The bill requires the insurance plan for state employees to provide coverage for services to dependents with autism spectrum disorders until age 21. Coverage would be limited to \$36,000 per year for services.

***STATUS: PASSED BY SENATE, DIED ON HOUSE FLOOR***

**ECONOMIC GROWTH**

**SENATE FILE 2076 STUDENT INTERNSHIP PROGRAM AND DED BOARD MEMBER CHANGES**

Makes changes to the Iowa internship program to allow students who attended an Iowa high school but are attending an out of state higher learning institution to be eligible to participate in the internship program. Requires the Regents report on their use of value funds dollars to the General Assembly. Changes the terms at which board members serve on the DED board.

***STATUS: SIGNED BY THE GOVERNOR***

### **HOUSE FILE 2076 IOWA INNOVATION COUNCIL**

Establishes the Iowa Innovation Council within the Iowa Department of Economic Development. Codifies the new council and eliminates three informal councils.

***STATUS: SIGNED BY THE GOVERNOR***

### **HOUSE FILE 2322 WORKFORCE DEVELOPMENT HOUSING GRANT PROGRAM**

Modifies the way the Iowa Council on Homelessness general public members are reimbursed, permits housing trust fund appropriations to be used for the Iowa mortgage help initiative and creates a workforce development housing assistance grant program to be administered by the Iowa Finance Authority (IFA).

Creates a new workforce housing assistance grant fund, separate from the general fund, under the authority of IFA. The fund will be used to make grants for projects that create workforce housing or for projects that make renovations to buildings for the purposes of workforce housing. Under the bill, “workforce housing” is defined as housing that is affordable for a household whose income does not exceed 120% of the median income for the area.

The bill gives priority when making grants from the fund for projects that demonstrate a number of characteristics. The bill prohibits more than 25% of the fund from going to more than one area.

***STATUS: INCLUDED IN THE STANDINGS APPROPRIATIONS BILL PASSED THE HOUSE***

### **HOUSE FILE 2370 ENTERPRISE ZONES**

Extends the application deadline for certification of enterprise zones.

***STATUS: SIGNED BY THE GOVERNOR***

### **HOUSE FILE 2376 VOLUNTARY SEVERANCE AND ANNEXATION OF PROPERTY**

allows the voluntary severance and annexation of real property between two municipalities and allows them to enter into an agreement to share the property tax revenue and zoning rights.

***STATUS: SIGNED BY THE GOVERNOR***

### **HOUSE FILE 2381 CLASS E LIQUOR LICENSES**

Allows liquor to be sold at gasoline stations, without having to use a separate room and cash register.

*STATUS: DIED IN THE HOUSE*

**HOUSE FILE 2431 MICROENTERPRISE MENTORING PROGRAM**

Sets aside \$50,000 of Grow Iowa Values Fund money for a microenterprise mentoring program established within the Iowa Department of Economic Development.

*STATUS: DIED IN THE HOUSE*

**HOUSE FILE 2449 DISABLED VETERANS BUSINESSES**

Requires the Department of Economic Development to encourage and assist businesses owned by disabled veterans.

*STATUS: SIGNED BY THE GOVERNOR*

**HOUSE FILE 2460 SMALL AND DISADVANTAGED BUSINESS DOT CONTRACTS**

requires the Department of Transportation to provide an annual assessment on the impact of federal and nonfederal awarded contracts on socially and economically disadvantaged individuals. Sets aside 10% public contracts let by the department to small businesses. Requires the Department of Transportation in coordination with highway contractors to submit recommendations to the General Assembly and the Governor by 11/1/10 concerning methods to track and assess the participation of small and disadvantaged businesses in receiving nonfederal highway funding.

*STATUS: PASSED THE HOUSE*

**HOUSE FILE 2480 SALES TAX BONDING DISTRICTS**

Allows cities and counties to use increased sales tax revenue for funding development projects within specifically created districts (a form of Sales Tax TIF). Counties and cities would be able to issue bonds to finance the construction of development projects in their municipalities under a number of guidelines. The municipality would then be able to collect 4 cents of the 6 cents of the sales tax generated from sales of retailers located within these districts to pay down the debt of the bonds.

*STATUS: DIED IN THE HOUSE*

**HOUSE FILE 2488 YOUNG ADULTS ON BOARDS & COMMISSIONS**

Encourages the appointment of young adults to state appointed boards and commissions.

*STATUS: SIGNED BY THE GOVERNOR*

**EDUCATION**

### **HOUSE FILE 589 – SCHOOL START DATE**

This bill sets the school start date as no earlier than the fourth Monday in August. No waivers would be available. Those districts with three semester calendars and those districts that have approved innovative calendars could start at a different time.

***STATUS: DIED IN THE HOUSE EDUCATION COMMITTEE***

### **HOUSE FILE 2030 – SCHOOL DISTRICT ENDING BALANCE**

This bill allows the School Budget Review Committee (SBRC) to review a school district's "unexpended fund balance" and if the SBRC finds the amount excessive they may require the district to spend that balance before levying for additional cash reserves.

***STATUS: SIGNED BY THE GOVERNOR***

### **HOUSE FILE 2050 – TEACHER TESTING**

This House Republican initiative would have required a person who applies to for a teacher license, renewal of a teacher license, or for an endorsement to teach in a specific subject area, to pass the Praxis II test. This assessment measures general and subject-specific teaching skills and knowledge.

***STATUS: DIED IN HOUSE EDUCATION COMMITTEE***

### **HOUSE FILE 2070 – EXIT EXAM**

States are doing away with a high-stakes, one-test high school exit exam in lieu of end-of-course exams in basic skill areas such as reading and math. This House Republican initiative would have moved Iowa toward the goal of ensuring that our high school graduates possess basic skills before they graduate and enter the workforce.

***STATUS: DIED IN HOUSE EDUCATION COMMITTEE***

### **HOUSE FILE 2295 – AEA STUDY**

Ten years ago the legislature asked the Iowa Department of Education to undertake a study of Iowa's Area Education Agencies (AEAs). As a result of that study AEAs are now accredited to assure quality. The study also prompted a new law allowing AEAs to merge. Since that time the number of AEAs has been reduced from 15 to ten. Next school year AEA 13 and 14 will merge for a total of nine AEAs.

HF 2295 asks the Iowa DE to undertake another comprehensive study of the AEAs. The DE will look at the mission, structure, governance and funding of the AEAs to determine if the current model is applicable to the needs of Iowa's school districts.

***STATUS: SIGNED BY THE GOVERNOR***

### **HOUSE FILE 2323 – REGENTS CONSOLIDATION COST SAVINGS**

This House Republican initiative would have required the Regents to consolidate into a single system for information technology, fiscal and personnel management and legal services.

***STATUS: DIED IN HOUSE EDUCATION COMMITTEE***

### **HOUSE FILE 2358 – REGENTS COST SAVINGS IDEAS**

This House Republican initiative would have:

- Created a Cost Savings Task Force located within the state Auditor's office;
- Required the Board of Regents to conduct three public hearing before adopting any tuition or fee proposal;
- Limited tuition increase to the most recent Higher Education Price Index (HEPI). Last week the Regents raised tuition by 6 percent for next year despite a HEPI increase of just 2.7 percent.
- Required all professors to teacher one or more courses during each fiscal year of employment;
- Required the Regents to include in their annual report the number of courses and an analysis comparing the number of hours tenured professors teach in the classroom compared to the number of hours teaching assistant teach.

***STATUS: DIED IN HOUSE EDUCATION COMMITTEE***

### **HOUSE FILE 2396 – HOME SCHOOL ASSISTANCE PROGRAM**

The subject matter of this bill was included in the Education Appropriations bill, SF 2376.

Twenty eight legislators co-sponsored this bi-partisan bill which clarifies allowable expenses under the Home School Assistance Program (HSAP). The bill is in response to administrative rules promulgated by the Iowa Department of Education that limit how districts operating HSAP programs spend their money.

This bill resolves the disagreements surrounding the administrative rules for the Home School Assistance Program.

***STATUS: DIED IN HOUSE EDUCATION COMMITTEE***

### **HOUSE FILE 2432 – RECRUITING MINORITY TEACHER**

This bill requires the Regents to lead a study regarding the recruitment of minority teachers in school districts, AEAs, and public and private colleges and universities.

Specifically, the representatives must examine the following issues:

- Examine strategies to encourage racial and ethnic minority high school students to enter the teaching profession

- Examine how to recruit racial and ethnic minority students interested in post-secondary teacher preparatory programs into attending an Iowa college or university preparatory program
- Examine strategies to recruit racial and ethnic minority teachers to continue their careers as school administrators in Iowa

“Racial and ethnic minority” includes individuals who are African American, Latinos, Asians or Pacific Islanders, American Indians, and Alaskan Native Americans.

The report shall be submitted to the General Assembly by January 10, 2011.

***STATUS: TO THE GOVERNOR***

**HOUSE FILE 2461 – LICENSING OF BUSINESS MANAGERS**

In public school districts today the superintendent and the school board are responsible to hire a competent person to perform the duties of a business manager. The role of business manager may be done by a person hired for that specific purpose or may be part of the job of the district’s support staff.

This Department of Education (DE) bill requires training for *new* business managers and Board of Educational Examiner’s (BOEE) licensure for **all** business managers. The bill applies only to public school districts.

***STATUS: SIGNED BY THE GOVERNOR***

**HOUSE FILE 2462 – PPEL USE EXPANDED**

Under Iowa law a school board can approve a levy of up to 33 cents per \$1,000 assessed valuation for the Physical Plant and Equipment Levy (PPEL). The voter approved portion of PPEL allows for a levy up to \$1.34 per \$1,000 assessed valuation.

HF 2462 expands the uses for the board approved PPEL to include all computers, computer related equipment, computer software, technical support services, training and the cost to repair any equipment including school buses.

The bill takes effect upon enactment thereby applicable to the current school budget year.

The fiscal note indicates a potential property tax impact of \$2.6 million as 26 districts do not have the board approved PPEL and another eight districts are not levying the maximum 33 cents per \$1,000 assessed valuation.

***STATUS: ON SENATE CALENDAR***

**SENATE FILE 2033 – RACE TO THE TOP**

This bill passed the first week of the 2010 session. The immediacy of this bill was due to the January 19, 2010, deadline for this state to submit an application to the U.S. Department of Education for federal Race to the Top funding.

This bill requires a Memorandum of Understanding (MOU) between the district with a persistently lowest-achieving school and the teacher’s union. This MOU law mandates that the teacher’s union and school board

negotiate how to turn around a failing school. 140 Iowa school districts opted out of Race to the Top because of this provision.

SF 2033 also removes the current cap on the number of charter schools. The bill inserts and defines an “innovation zone”. An “innovation zone” is simply two or more school districts and an AEA joining together to form a charter school. The “Innovation Zone” is subject to the same requirements as a charter school.

***STATUS: SIGNED BY THE GOVERNOR***

#### **SENATE FILE 2045 – DELAY FY 12 ALLOWABLE GROWTH UNTIL 2011 SESSION**

This bill delays setting FY12 allowable growth for the School Foundation Formula until the 2011 session.

Under Iowa law the legislature is required to set allowable growth within 30 days of receiving the Governor’s budget. The allowable growth the legislature sets is 18 months before the applicable fiscal year. For example, in February 2010, the legislature would have been required to set the FY12 allowable growth which begins July 1, 2011

***STATUS: SIGNED BY THE GOVERNOR***

#### **SENATE FILE 2046 – DELAY FY12 ALLOWABLE GROWTH FOR CATEGORICALS**

This bill delays setting FY12 allowable growth for categorical funding until the 2011 session. Iowa’s categorical funding includes Class size, Teacher Compensation and Professional Development.

Under Iowa law the legislature is required to set allowable growth within 30 days of receiving the Governor’s budget. The allowable growth the legislature sets is 18 months before the applicable fiscal year. For example, in February 2010, the legislature would have been required to set the FY12 allowable growth which begins July 1, 2011

***STATUS: SIGNED BY THE GOVERNOR***

#### **SENATE FILE 2058 – NONPUBLIC TEXTBOOKS**

This bill expands the definition of nonpublic textbooks to include laptop computers. Under current law the definition of textbooks already includes computer software. Procedurally, the school district where the nonpublic school is located purchases the textbook and gives it to the nonpublic school.

***STATUS: SIGNED BY THE GOVERNOR***

#### **SENATE FILE 2288 – DE STATUTORY REVISIONS BILL**

This Department of Education statutory revisions bill stalled out on the House calendar due to amendments offered.

The bill would have made technical corrections requires inspection of all school vehicles twice each year. Under current law only school buses must be inspected twice each year. This bill expands the inspections to cars, vans or any other vehicle owned by a school district.

The fiscal note indicates this will cost districts an average of \$285 annually for a total of \$101,000 statewide.

***STATUS: DIES ON HOUSE CALENDAR***

#### **SENATE FILE 2287 – COLLEGE PREP SCHOOLS**

This bill would have limited the number of college preparatory schools to the number in existence on effective date of this Act. The bill goes into effect upon enactment. Iowa currently has nine college prep schools.

***STATUS: DIED IN SENATE EDUCATION COMMITTEE***

#### **SENATE FILE 2289 – DEACCREDITATION OF SCHOOL DISTRICT**

This bill allows the Director of the Department of Education to order the school district scheduled for closure to transfer any positive fund balances from one or more other funds to the general fund of the that school. In doing so taxpayers will not be held liable to repay the school's debt if enough funds exist in the school's other accounts. This bill corrects the similar surrounding the closure of the Russell school district.

***STATUS: SIGNED BY THE GOVERNOR***

#### **SENATE FILE 2291 SPECIAL EDUCATION REVISIONS**

This Department of Education statutory revisions bill makes technical and non-controversial changes to K-12 special education laws.

The bill clarifies that special education students may be counted for purposes of the Senior Year Plus program if their enrollment in the program is not related to their disability.

Also the bill clarifies an accounting procedure required by the Centers for Medicare and Medicaid Services. Failure to make this change will result in the state needing to repay federal government \$ 6 – 8 million.

***STATUS: SIGNED BY THE GOVERNOR***

#### **SENATE JOINT RESOLUTION 2008 – NULLIFY BOEE RULE**

The resolution would have nullified the rule that withholds the name of the person filing a complaint against the teacher. On January 5, 2010 the Administrative Rules Review Committee voted to impose a session delay on the rule.

The rule in question prohibits a teacher from getting the identity of the person filing a complaint against that teacher unless/until it becomes a founded complaint. The rule would have brought the Iowa Board of Educational Examiners (BOEE) into line with Iowa's 32 other licensing boards.

*SF 2376, the Education Appropriations bill, included statutory language to disclose the name of the person filing the complaint immediately.*

***STATUS: DIED IN HOUSE EDUCATION COMMITTEE***

## **ENVIRONMENTAL PROTECTION**

### **HOUSE FILE 785—STATE VEHICLE NON-LEAD WHEEL WEIGHT ALTERNATIVES**

House File 785 proposes to require the Director of the Iowa Department of Administrative Services to establish procedures encouraging the use of non-lead wheel weights on state vehicles if such alternative wheel weights are readily available.

***STATUS: DIED IN SENATE TRANSPORTATION COMMITTEE***

### **HOUSE FILE 823—GREEN CLEAN STATE & EDUCATION BUILDINGS**

House File 823 devises Code provisions that would require state and public education buildings, including community colleges, and institutions under the control of the Board of Regents to use green-clean building products when such building are cleaned, except for certain pest control and disinfectant cleaning processes. The bill allows state agencies and state and local educational facilities opt out of the ‘green-clean’ requirement if they do so by July 1, 2012 for a specified reason. Thereafter, only those entities which have opted out by this deadline can use non ‘green-clean’ products in their building. For a school district to opt out, a majority of the School Board must make an affirmative vote. DAS is required to provide ‘green-clean;’ information on its departmental internet site that can be accessed by the public, along with other web-links on this issue.

***STATUS: PASSED BOTH CHAMBERS IN IDENTICAL FORM***

### **HOUSE FILE 2418—DNR PUBLIC INPUT PROCEDURES FOR AMBIANT AIR RULE CHANGES**

House File 2418 codifies current Department of Natural Resources (DNR) public input procedures concerning updating state ambient air quality regulations caused by revisions of federal National Ambient Air Quality Standards (NAAQS). The bill requires the director of the DNR to convene meetings not later than June 1 during the second calendar year following the adoption of new or revised federal NAAQS regulations to review emission limitations or standards relating to the maximum quantities of air contaminants that may be emitted from any air contaminant source. The second aspect of the bill requires DNR to convene meetings as necessary to develop recommendations for the establishment of state implementation plans sufficient to control the direct emissions of certain particulate matter (2.5-microns) and emissions of precursor compounds that to particulate matter and to prevent ambient concentrations from exceeding the federal ambient air quality standards. Both aspect of the bill have reporting requirements to the General Assembly and the Governor.

***STATUS: PASSED BOTH CHAMBERS IN IDENTICAL FORM***

### **HOUSE FILE 2437—PRIVATE SEWAGE SYSTEM INSPECTION EXEMPTIONS**

House File 2437 clarifies and adds circumstances in which an inspection of a private sewage disposal system point-of-sale inspection is not required. The bill adds certain types of transfers of ownership that were alluded to in current law; and eliminates a requirement that title to property with a private sewage system include documentation of inspection and instead allows attachments of such information. The measure further provides that when a declaration of value is submitted to a county recorder relating to property concerning what may exist below the surface of the ground that information on whether a private sewage system exists or not and if one does, it has been inspected, or it is exempted from inspection.

***STATUS: PASSED BOTH CHAMBERS IN IDENTICAL FORM***

### **HOUSE FILE 2446—NONLANDFILL SANITARY DISPOSAL FINANCIAL ASSURANCE**

House File 2446 proposes to create a new subsection in the Code dealing with solid waste disposal to require sanitary disposal projects; other than sanitary landfills or transfer stations; that receive notification from the Iowa Department of Natural Resources (DNR) that the financial assurance instrument of the operation is inadequate, the owner or operator of such business will have 30-days after receiving the notice to provide sufficient financial assurance or cease acceptance of additional solid waste regardless of whether the permit holder appeals such notification.

***STATUS: DIED ON HOUSE CALENDAR***

### **HOUSE FILE 2459—WATERSHED- PLANNING ADVISORY COUNCIL/MANAGEMENT AUTHROTIES**

House File 2459 proposes to establish a watershed planning advisory council comprised of 17 members with persons specified to represent a number of water, agricultural business, and political subdivision entities/groups. The bill requires the advisory council each year to report to: the Governor, the General Assembly, IDALS, DNR and the Water Resources Coordinating Council; its recommendations regarding numerous water quality issues. These recommendation are to include: improving water quality, optimizing the costs of voluntarily achieving and maintaining water quality standards, alternative options and economic opportunity involving both point pollution and non-point water pollution. This process is to involve cities, counties, and other local and regional public and private entities in watershed improvement.

The bill also authorize at least one watershed demonstration pilot project involving DNR, IDALS, in collaboration with USDA-NRCS and the Iowa Flood Center in cooperation with Watershed Resources Coordinating Council involving a hydrologic unit code (HUC) 12 sub-watershed. It also proposes to authorize the creation of watershed management authorities (WMA). Two or more cities, counties, drainage and/or levee districts, and soil and water conservation districts are allowed to create a WMA. The participating political subdivisions must be located in the same United States HUC- 8 watershed and all must be notified within 30-days prior to organization of a WMA. A political subdivision may participate in more than one WMA, but is not required to participate and the board of each WMA shall consist of at least one director from each involved political subdivision. A WMA may assess the flood risks and options for reducing flood, assess the water quality and options to improve water quality, monitor federal flood risk planning and activities, educate the residents of a WMA regarding water quality and flood risks, allocate moneys made available to a WMA for purposes of water quality and flood mitigation, make and enter into contracts and agreements. However, a WMA may not acquire property through eminent domain. The measure provides that in all activities of a WMA, the authority shall coordinate its activities with DNR, IDALS, councils of governments, public drinking water utilities, and soil and water conservation districts.

***STATUS: PASSED BOTH CHAMBERS IN IDENTICAL FORM***

**HOUSE FILE 2496—GREEN CERTIFICATION & GREEN ADVISORY COMMITTEE**

House File 2496 proposes to codify, rename and recharge the Comprehensive Recycling Planning Task Force first authorized in 2008 (House File 2570 section 11 with 25-members) and amended in 2009 (House File 826) session to add another 6-members; to be the ‘Green Advisory Committee with 31-members.

***STATUS: PASSED BOTH CHAMBER IN IDENTICAL FORM***

**HOUSE FILE 2505—COMMERICAL AERIAL PESTICIDE APPLICATOR PENALTIES**

House File 2505 requires the Secretary of Agriculture and Land Stewardship to revoke the license of a commercial applicator who on more than two occasions applies pesticide from an airplane in a manner that causes personal injury in violation of this chapter. A claim must be filed with IDALS within 60-days after the date injury is claimed to have happened and may include evidence substantiating the claim including information identifying the commercial applicator or plane, medical documents indicating injuries consistent with pesticide exposure, and media images or sounds that record the exposure or the consequence of exposure. The bill provides for enhance penalties for aerial; commercial applicators that cause personal injury of not more than \$1,000 for first offense, \$1,500 for second offense, and \$2,000 for third or subsequent violation. An applicator who negligently applies pesticides using an aircraft that causes personal injury is guilty of a serious misdemeanor for the first offense and an aggravated misdemeanor for second or subsequent offense.

***STATUS: DIED ON THE HOUSE CALENDAR***

**SENATE FILE 2174—COMMUNITY BEAUTIFICATION GRANTS FROM SOLID WASTE FUNDS**

Senate File 2174 proposed a 4-year, \$250,000 per year appropriations from the Solid Waste Account of the Groundwater Protection Fund with to support a grant program for one organization. The bill requires the grant recipient to use grant moneys for a public education and awareness initiative designed to reduce litter and illegal dumping, an educational initiative designed to discourage littering and illegal dumping for persons attending school in kindergarten through grade 12, a litter-free schools initiative, a neighborhood beautification initiative, an illegal dumping surveillance program, and a community partnership program support beautification projects.

***STATUS: MOFDIFIED VERSION OF LANGUAGE INSERTED INTO HF 2525***

**SENATE FILE 2242—UST REGULATORY REFORM & APPROPRIATIONS TO DNR**

Senate File 2242 as amended by the Senate totally rewrote the original House and Senate into 2 divisions. The first division made numerous changes to UST-DNR regulations and operations. The measure to provide that certified groundwater professionals can make the decision to classify underground tanks sites as low or high risk and that no further action certificate is required to be issued by DNR within 90-days, unless DNR identifies the material information in the corrective report as inaccurate (however, between 7/1/2010 & 6/30/2011 DNR will have 120 days). The bill also eliminates the current 23:77 split of annual storage tank fee between storage tank management fund in the groundwater protection fund and the UST fund to give all the money to the storage tank management fund for DNR to spend on its storage tank fund programs. DNR will be require to

enter into annual 28 E agreements with the UST board for administrative tasks related to evaluation and modification of risk-based corrective action rule. The measure provides for annual: \$2800,000 appropriations for DNR technical review grants to 3<sup>rd</sup>-party, non-governmental entities; \$100,000 to DNR for database modification for external evaluations; \$250,000 to IDALS to inspect fuel quality at terminals and biofuel plants; and \$250,000 for UST board safety, hazardous materials, environmental training and UST operator training.

The bill would have changed the UST board composition by changing two of the persons. The amended bill modified remedial account functions to clarify that counties that become owners of contaminated tax-delinquent site are not responsible parties and are eligible for reasonable clean up costs allows for clean up costs for newly discovered contamination at previously designated no-further action sites and sets a \$15,000 maximum covered cost for permanent closure of obsolete tanks or those required by regulation to be closed. It explicitly relieved innocent landowners from copayment requirements and would allow cost-effective compensation relative to DNR monitoring plan, compensate public utility work encountered in public right-of-ways and repealed a automatic sunset of the UST board and IFA ability to establish certain capital reserves to secure UST bonds. The first division of the bill would have been effective upon enactment and retroactive Applicability to January 1, 2010. The Second division of the bill transfers UST bonding authority from the Iowa Finance Authority to the State Treasurer and repealed an automatic sunset of the UST board and the State Treasurer ability to establish certain capital reserves to secure UST bonds.

***STATUS: DIED ON HOUSE CALENDAR, BUT INSERTED INTO STANDINGS BILL HF 2531***

#### **SENATE FILE 2243—DNR WASTEWATER SRF & GREENHOUSE GAS REPORTING DATE**

Senate File 2243 modifies current law to provide the Department of Natural Resources with ability to use the state revolving loan fund for drinking water systems to plan, engineer and construct drinking water system upgrades in state parks, and allow DNR to coordinate greenhouse gas emission data collection with the United State Environmental Protection Agency (US-EPA) and reschedule an existing DNR reporting on this issue to the Governor and General Assembly from September 1<sup>st</sup> of each year to December 31<sup>st</sup>.

***STATUS: SIGNED BY THE GOVERNOR***

## **HUMAN RESOURCES**

#### **HOUSE JOINT RESOLUTION 2007 – HEALTH CARE FREEDOM AMENDMENT**

The Constitutional Amendment would prevent Iowans from being required by the federal government to purchase health insurance.

***STATUS: DIED IN HOUSE HUMAN RESOURCES COMMITTEE***

#### **HOUSE FILE 234 – MENTAL HEALTH PARITY**

The bill would require Iowa-regulated health insurance plans to offer the same level of coverage for mental health and substance abuse as the plan does for physical health issues. What is covered is based on the Diagnostic and Statistical Manual of Mental Disorders, which is used as the guidebook for psychiatric

diagnoses. This book is being revised to add new recognized conditions. If House File 234 is adopted, this could require insurance plans to cover apathy disorder, internet addiction, and gambling addiction.

***STATUS: DIED ON HOUSE FLOOR***

#### **HOUSE FILE 2069 – GOOD NEIGHBOR ACT**

The bill would prevent the Department of Human Services from requiring a person to register as a child care provider if they are providing child care to only related children or before or after school child care without charge to only children of friends or neighbors or to only children from an unrelated family to provide the child care.

***STATUS: DIED IN HOUSE HUMAN RESOURCES COMMITTEE***

#### **HOUSE FILE 2144 – PUBLIC HEALTH POLICY REVISIONS**

The bill is a collection of policy changes proposed by the Department of Public Health. They include adding to the Department's duties during a public health disaster, amending the school dental screening mandate, and striking the authority of the Department to oversee the distribution of venereal disease prophylactics.

***STATUS: SIGNED BY THE GOVERNOR***

#### **HOUSE FILE 2158 – EXPANSION OF PALS ELIGIBILITY**

The bill expands the eligibility criteria for the Preparation for Adult Living program for children aging out of the foster care system. Under House File 2158, those youth who were adopted before they turned 18 but were in foster care at some point in the 48 months preceding their 18<sup>th</sup> birthday would become eligible for PALS.

***STATUS: DIED ON HOUSE FLOOR***

#### **HOUSE FILE 2183 – STATE BOARD OF HEALTH DUTIES**

The bill makes revisions to Iowa Code chapter 136, which establishes the State Board of Health. The bill eliminates and updates outdated Code language, incorporates the Iowa Public Health Standards, and allows the Board to create a substance abuse program committee to oversee substance abuse program licensure.

***STATUS: SIGNED BY THE GOVERNOR***

#### **HOUSE FILE 2224 – PATIENTS RIGHT TO KNOW ACT**

The bill establishes a system of health care information for Iowans to make informed choices in purchasing health insurance. The bill would instruct the Department of Public Health to establish a internet site to allow Iowans to compare cost and care information for health insurance plans. The Department would also set up a site to allow Iowans to compare cost and quality data for health care providers as well.

***STATUS: DIED IN HOUSE HUMAN RESOURCES COMMITTEE***

**HOUSE FILE 2235 – PROHIBITING FEDERAL HEALTH CARE REFORM FUNDS PAYING FOR ABORTION**

The bill would prevent the use of any funds received from federal health care reform legislation from being used to pay for an abortion.

***STATUS: DIED IN HOUSE HUMAN RESOURCES COMMITTEE***

**HOUSE FILE 2250 – REQUIRING DRUG TEST AS A CONDITION OF RECEIVING CERTAIN BENEFITS**

The bill would require that an Iowan seeking either unemployment benefits or participation in the Family Investment Program to submit to a screening for illegal drugs. If a person tested positive, they would be ineligible for FIP or unemployment benefits.

***STATUS: DIED IN HOUSE HUMAN RESOURCES COMMITTEE***

**HOUSE FILE 2276 – REQUIRING PREMIUM PARTICIPATION FOR HAWK-I AND IOWACARE**

The bill would require a parent of a child on HAWK-I with income above 200 percent of poverty or a person signed up for IowaCare to pay a monthly premium, based on a sliding fee scale.

***STATUS: DIED IN HOUSE HUMAN RESOURCES COMMITTEE***

**HOUSE FILE 2281 – EXPANDING MEDICAID FAMILY PLANNING WAIVER**

This bill, sometimes referred to as the Planned Parenthood Bailout Bill, expands the eligibility guidelines for who may get family planning services under Medicaid. Women up to age 55 whose income is less than 300 percent of the federal poverty level and who does not have any coverage that provides these services would be eligible. House File 2281 also would allow men to get family planning services as well. Proponents of the bill says this will primarily will be for vasectomies.

***STATUS: DIED ON HOUSE FLOOR, BUT INCORPORATED IN HF 2526, HEALTH AND HUMAN SERVICES APPROPRIATIONS***

**HOUSE FILE 2283– CRIMINAL BACKGROUND CHECKS FOR CHILD CARE PROVIDERS**

The bill changes the requirement that child care providers undergo a criminal record check every four years to when the Department of Human Services determines it is appropriate.

***STATUS: SIGNED BY THE GOVERNOR***

**HOUSE FILE 2284 – PUBLIC HEALTH POLICY REVISIONS II**

The bill provides for a number of changes that the Department of Public Health believes are “technical”. Among the changes in the bill are revisions to the licensing requirements for optometrists, allowing physicians to use documentation provided to other states’ licensing boards as evidence of having a medical degree, and allowing the practice of “threading” for hair removal.

***STATUS: SIGNED BY THE GOVERNOR***

**SENATE FILE 2263 – REVISIONS TO RESIDENT ADVOCATE COMMITTEES**

The bill clarifies that the State Resident Advocate office is under the Iowa Department of Aging (IDA), and that the state Resident Advocate shall be appointed by the Director of IDA. The bill specifies that certain reports are to be filed with the Office of Resident Advocate, and that the Department has the power to fine a facility that does not permit a resident advocate to enter.

***STATUS: SIGNED BY THE GOVERNOR***

**HOUSE FILE 2329 – MANDATED COVERAGE OF MEDICATION THERAPY MANAGEMENT**

The bill would require state-regulated insurance plans to pay pharmacists for counseling customers on the proper use of the prescriptions they receive and to also pay pharmacists for overseeing the different prescriptions of a customer.

***STATUS: DIED ON HOUSE FLOOR***

**HOUSE FILE 2402 – STROKE TRIAGE PLANS**

The bill directs the Department of Public Health to work with the Iowa Healthcare Collaborative to develop a plan for a stroke triage system and registry.

***STATUS: SIGNED BY THE GOVERNOR***

**HOUSE FILE 2403 – REVISIONS TO THE CONTROLLED SUBSTANCES ACT**

The bill is the annual list from the Iowa Board of Pharmacy making changes to the state’s controlled substances law. All of these drugs are recently developed medications that are being added the federal list of controlled substances.

***STATUS: SIGNED BY THE GOVERNOR***

**HOUSE FILE 2404 – MANDATED COVERAGE OF AUDIOLOGY SERVICES**

The bill would require Iowa-regulated plans to cover audiology exams, hearing aids and ear molds for children under the age of 18. Currently, the state has a program that provides hearing services to children without audiology coverage through the Dept. of Public Health for around \$230,000 per year. The imposition of a mandate could increase the premium payments for state employee insurance plans by \$600,000.

***STATUS: DIED ON HOUSE FLOOR***

**SENATE FILE 2267 – HOME MODIFICATION REQUIREMENTS FOR HCBS WAIVER PROGRAMS**

The bill instructs the Department of Human Services to review the dollar limits imposed on the Home and Community Based Services waiver programs for home modifications and come forth with any recommendations.

***STATUS: PASSED BY HOUSE AND SENATE***

**SENATE FILE 2333– ADDRESSING DUE PROCESS ISSUES IN THE ABUSE REGISTRIES**

A number of Iowans have had issues with being placed on either the child abuse or dependent adult abuse registries without notice or due process. In other cases, wrongly accused people have waited for months to have an administrative hearing or appeal heard by an administrative rules judge.

The bill addresses the qualifications of a hospital inspector under DIA and requires the filing of conflict of interest statements. The bill also puts into place an expedited appeals process for those accused of Dependent Adult Abuse and face being placed on the state's Dependent Adult Abuse Registry. A person utilizing the expedited process will not be placed on the registry until the appeal is completed.

***STATUS: PASSED BY HOUSE AND SENATE***

**SENATE FILE 117 – RULES FOR OPERATING A MOTOR VEHICLE AROUND A BICYCLE**

The bill implements a number of requirements for motorists to interact with bicyclists on the road. Among the provisions of the bill are a requirement for a vehicle to maintain a distance of 5 feet between them and a bicyclist when they are passing them. The committee adopted an amendment to exempt implements of husbandry and vehicles towing such implements from the provisions of the bill.

***STATUS: PASSED BY SENATE IN 2009, DIED ON HOUSE FLOOR***

**SENATE FILE 153 – ALLOWING PHYSICIAN ASSISTANTS TO INCORPORATE**

The bill amends Iowa law to allow licensed physician assistants to form limited liability companies or professional corporations.

***STATUS: PASSED BY HOUSE AND SENATE***

**SENATE FILE 2117 – ALLOWING OPTOMETRISTS TO PRESCRIBE THERAPEUTIC CONTACT LENSES**

The bill amends state law to allow optometrists to prescribe pharmaceutical-delivering contact lenses to Iowans.

***STATUS: SIGNED BY THE GOVERNOR***

### **SENATE FILE 2149– CRIMINAL BACKGROUND CHECKS FOR CNA STUDENTS**

The bill amends Iowa’s law regarding background checks. The bill would require students in certified nurse aide training programs to undergo a background check prior to starting the program. The goal is prevent the situation of a person getting the training only to discover that they are not allowed to be a certified nurse aide, due to their criminal record or having a case of founded abuse on their record..

***STATUS: SIGNED BY THE GOVERNOR***

### **SENATE FILE 2156 – IOWACARE REVISIONS**

The bill makes a number of changes to the IowaCare law, initially passed in 2005. Most of the revisions are related to the Department of Human Services’ request to the federal government to extend the federal Medicaid waiver creating the program. Additionally, the bill removes provisions that were necessary for the initial implementation of the bill but are no longer necessary.

***STATUS: PASSED BY HOUSE AND SENATE***

### **SENATE FILE 2158 – CHILD SUPPORT AMENDMENTS**

The bill is the annual proposal from the Department of Human Services’ Child Support Recovery Unit. The main change in the bill this year is an effort to shorten the time period for a modification of a child support order.

***STATUS: PASSED BY HOUSE AND SENATE***

### **SENATE FILE 2219–COST ALLOCATION RULES FOR SUPPORTED COMMUNITY LIVING PROGRAMS**

The bill changes the allocation of costs for these programs in order to get more resources to pay for wages of direct care workers. The changes the allocation from 80% direct/20% non-direct to 82% direct/18% non-direct.

***STATUS: DIED ON HOUSE FLOOR***

### **SENATE FILE 2331 – ALLOWING CHIROPRACTORS TO BE IN HAWK-I PROVIDER PANEL**

The bill requires any health plan covering HAWK-I to allow any willing chiropractor to be a provider within their provider panel.

***STATUS: PASSED BY HOUSE AND SENATE***

### **SENATE FILE 2356 – HEALTH CARE TRANSPARENCY**

The bill deals with three major issues. First, it allows the IowaCare program to use certain expenditures at the University of Iowa Hospitals and Clinics as state match for Medicaid funding. This change would free up \$20 million in other funds to be used to provide primary services to IowaCare enrollees and reimburse UIHC physicians and Iowa Hospitals for their IowaCare services. The bill creates a diabetic registry, to improve care for lower-income Iowans with Diabetes.

Finally, the bill creates a health insurance information exchange to allow Iowans to be better health care consumers. The information exchange would be run by the Insurance Commissioner and would provide easy to use information that compares health plans offered in state, their costs, and other issues like administrative costs. The same information would be provided for public programs like Medicaid and HAWK-i.

The bill does not expand financial eligibility for IowaCare, as was initially proposed in the Senate. Also, the information exchange would not be involved in signing up Iowans for health care coverage.

***STATUS: PASSED BY HOUSE AND SENATE***

### **SENATE FILE 2266 – LOCAL PUBLIC HEALTH GOVERNANCE ACT**

The bill revises state law governing local boards of health. Iowa Code chapter 137 governs local public health and its jurisdiction over public health matters within a county. The chapter is being revised to align with the Public Health Modernization Act, which was adopted during the 2009 legislative session. The revisions also address legal barriers encountered by counties who have attempted to form a district board of health, for example, personnel issues such as health insurance, longevity, and accrued vacation.

***STATUS: SIGNED BY THE GOVERNOR***

### **SENATE FILE 2388 – NURSING WORKFORCE INITIATIVE**

The bill adds nurse training programs to the workforce initiatives created in the 2009 health care reform bill. The bill focuses efforts to get more nurse educators.

***STATUS: PASSED BY HOUSE AND SENATE***

## **JUDICIARY**

### **SENATE FILE 431 – OWI REORGANIZATION**

A comprehensive and non-substantive reorganization of Chapter 321J, Operating While Intoxicated. The proposal came from the Criminal Code Reorganization Committee as an attempt to make Chapter 321J more understandable for attorneys, judges, and the citizens of Iowa. Ample evidence was provided that the current chapter too often results in confusion and mistakes.

***STATUS: PASSED BOTH CHAMBERS***

### **SENATE FILE 2200 – TRANSFER OF GUARDIANSHIP**

Allows for the transfer of jurisdiction over guardianship from the juvenile court to the probate court where appropriate. The court shall notify the guardian of their reporting requirements under the probate code upon transfer of jurisdiction.

***STATUS: PASSED BOTH CHAMBERS***

**SENATE FILE 2250 – CRIMINAL OFFENSE OF AGGRAVATED THEFT**

Creates a new criminal offense of aggravated theft that carries a penalty of an aggravated misdemeanor on the first offense and a class “D” felony on second offense. A person commits aggravated theft when they commit a simple assault during the commission of a theft of property under \$200. This was a proposed addition to the Code that originated from the Criminal Code Reorganization Committee.

***STATUS: PASSED BOTH CHAMBERS***

**SENATE FILE 2252 – PUBLIC SAFETY ADVISORY BOARD**

Creates a Public Safety Advisory Board with the Criminal and Juvenile Justice Planning Advisory Council to review current and proposed criminal code provisions. This is a proposal submitted by the Criminal Code Reorganization Committee.

***STATUS: PASSED THE SENATE***

**SENATE FILE 2306 – GRANDPARENT VISITATION RIGHTS**

Grants grandparents and great-grandparents the right to petition the court for visitation rights of a grandchild and great-grandchild when the parent who was their child or grandchild, is deceased. Makes changes to the factors the court considers in determining whether visitation will be granted.

***STATUS: PASSED THE SENATE***

**SENATE FILE 2351 – DOMESTIC ABUSE, STRANGULATION**

Enhances the penalty for domestic abuse assault that involved strangulation. A violation of this provision would be an aggravated misdemeanor, unless bodily injury occurs, in which case the penalty is a class “D” felony.

***STATUS: PASSED THE SENATE***

**SENATE FILE 2352 – “ED THOMAS” BILL**

This bill addresses an element of the tragic shooting of Coach Ed Thomas. When an officer turns over an individual who has warrants for their arrest or charges pending to a hospital for evaluation, the officer will have a form they may submitted at the time that requires the hospital to notify law enforcement before that individual is released. This will give law enforcement the opportunity to place them back under arrest.

*STATUS: SIGNED BY THE GOVERNOR MARCH 24, 2010*

**HOUSE FILE 2233 – EXPUNGING POSSESSION OF ALCOHOL**

Establishes the ability for the expungement of a conviction for possessing, purchasing, or attempting to purchase alcohol by a person under the legal age. A person may petition the court for expungement 2 years after the conviction. If that person has not had other criminal convictions in those two years, the conviction shall be expunged. This mirrors a current provision in the code that extends the same right to persons under the legal age charged with public intoxication.

*STATUS: SIGNED BY THE GOVERNOR March 10, 2010*

**HOUSE FILE 2378 – ESCAPE FROM CUSTODY**

Makes the penalty for escape or attempted escape from custody consistent. In current code the penalty depends on the underlying offense for which you are being held. This means that if you are a felon, escape is a felony. If you are a misdemeanor, escape is a misdemeanor. Under the bill, all those who escape or attempt to escape custody would be guilty of a class “D” felony.

*STATUS: DIED IN COMMITTEE*

**HOUSE FILE 2438 – ATTEMPTING TO ENTICE A CHILD**

Adds “attempts to entice a child” to the prohibition of enticing a child. This change will aid local law enforcement agencies who intend to capture predators through sting operations. That effort was made difficult by a recent court decision, but the bill resolves this problem.

*STATUS: PASSED BOTH CHAMBERS*

**HOUSE FILE 2452 – EXPANDED USE OF IGNITION INTERLOCK DEVICES**

Allows some persons convicted of an OWI to receive a temporary restricted license earlier while requiring them to install an ignition interlock device on their vehicle. Each time that person uses their vehicle, they will be required to blow into the breathalyzer on the ignition interlock device.

*STATUS: SIGNED BY THE GOVERNOR MARCH 22, 2010*

**HOUSE FILE 2453 – CHILD CONCEIVED POSTHUMOUSLY**

Allows a child conceived posthumously to be recognized as legitimate. To qualify, the parents of the child must have been married at the time of the death of one of the parents. The deceased must have explicitly authorized the use of their genetic material for this purpose and the child must be born within two years of the parents death.

*STATUS: PASSED THE HOUSE*

## **HOUSE FILE 2477 – CENTRALIZED STATE CONSTRUCTION REGISTRY**

Directs the Iowa Finance Authority to administer a centralized state construction registry for residential construction. Contractors, subcontractors, and material providers would be required to file preliminary notices and notices of commencement of work with the registry to preserve their right to a mechanic's lien. The registry is intended to provide clarity in closing transactions on recently constructed homes.

***STATUS: PASSED THE HOUSE***

## **LABOR**

## **HOUSE JOINT RESOLUTION 2002 – PUTTING RIGHT TO WORK IN CONSTITUTION**

House Joint Resolution 2002 was sponsored by House Republicans to ensure that union-backed bills like fair share fees or forced unionism are not constitutional. It simply takes the state's current Right to Work law (Chapter 731 of the Iowa Code) and puts it before the voters in the form of an amendment to Iowa's constitution. Unfortunately the bill was sent to the Labor Committee and never debated.

***STATUS: DIED IN COMMITTEE***

## **HOUSE FILE 2485 – NON-CONTROVERSIAL CHAPTER 20 CHANGES**

House File 2485 contains the non-controversial, agreed-to changes to Chapter 20, which governs public employee unions. This is the bill that was supposed to be approved in 2008 before it was hijacked by the unions, open scope negotiations was added to it and the Governor eventually vetoed it.

Among the items in the bill are the elimination of fact finders, removal of redundant language, correction of typographical errors, and elimination of outdated language.

The bill provides that parties utilizing a cooperative alternative bargaining process may exchange their initial interest statements in lieu of an initial bargaining position during bargaining. The bill modernizes Chapter 20 to recognize that some parties utilize interest-based bargaining, instead of positional bargaining. This would help eliminate stacking the offers with "giveaways", or items one side knows it is only putting in the offer for the sole purpose of giving it up later to keep something else.

The House approved the bill unanimously on February 25. The Senate approved the bill on March 9 on a 50-0 vote and sent it to the Governor.

***STATUS: PASSED BY BOTH CHAMBERS***

## **HOUSE FILE 2421 – PREVAILING WAGE – PRICE FIXING**

HF 2421 requires that state and local governments pay a prevailing wage for public projects. The bill, otherwise known as the price fixing for public projects act, failed to pass the House.

House File 2421 requires a contractor to pay workers the same hourly wage plus fringe benefits for certain public improvements as the contractor would pay workers for a private construction or improvement project. The bill allows the per-hour wage rate to be based on what is normally paid in the area by contractors for similar projects, and to be adjusted on a yearly basis by the department of workforce development.

The bill includes specific criteria, such as cost of the public improvement and the population of the city or county, for the project to qualify for the prevailing wage rate. The wage rates that the workers must be paid shall also include benefits such as medical care, life insurance, overtime pay, and vacation and holiday pay. The bill applies to any public improvement that receives money from a public body and includes most types of public improvements from construction to road maintenance.

adds a sixth goal “recognizing that political subdivisions, because of unique circumstances, may not require prevailing wage.”

Also adds independent contractor language that defines “worker” and when the workers are considered employees of a contractor or subcontractor. Defines “political subdivision” to mean only cities, counties and school districts. In addition, projects under \$100,000 in total cost would not require prevailing wage.

The bill was approved by the House Labor Committee on a 9-8 vote on February 8. The bill was referred to the Ways and Means committee and never debate in the full House.

***STATUS: DIED IN THE HOUSE***

### **HOUSE FILE 2382 – CHOICE OF DOCTOR – DOCTOR SHOPPING**

House File 2382 amends Chapter 411.15 to specify that an employee covered under the 411 system (police and fire personnel) has the right to choose the care.

Current law states that the cities must pay for the care and many cities do allow the employees to choose their own doctor. The League of Cities and many Chambers of Commerce have concerns with the bill because they are afraid it will increase insurance premium costs. The business community is concerned with the bill because it appears to be a way to get doctor shopping in the Code in order to expand it later.

The House Labor Committee approved HF 2382 on February 4 on a party-line vote but the bill did not have 51 votes in favor and therefore never came up for debate.

***STATUS: DIED IN THE HOUSE***

### **HOUSE FILE 2420 – FAIR SHARE FEES / DISMANTLING RIGHT TO WORK**

House File 2420 establishes a new “reimbursement for employee bargaining and grievance services” for Executive branch non-union employees. This is commonly referred to as a “fair share fee” and it is in direct violation of Chapter 731 of the Iowa Code (Right to Work), which states “It shall be unlawful for any person, firm, association, labor organization or corporation, or political subdivision, either directly or indirectly, or in any manner or by any means as a prerequisite to or a condition of employment to require any person to pay dues, charges, fees, contributions, fines or assessments to any labor union, labor association or labor organization.”

The bill creates new definitions for “bargaining services”, “grievance services” and “executive branch public employees”. Bargaining services means those services provided by an employee organization (union) relating

to collective bargaining and contract administration. Grievance services means those services provided by an employee organization (union) to an employee following the submission of a written grievance by the employee to an employer which relate to the adjustment of that grievance.

HF 2420 changes 20.8, subsection 4 which currently gives public employees the right to refuse to pay fees to the unions. Executive branch employees no longer have that right. It also states that negotiations shall include whether non-union employees shall reimburse the employee organization for bargaining and grievance services.

The bill states that the maximum allowed for bargaining services is 65 percent of union dues and the maximum allowed for grievance services is 10 percent. Allows the non-union employees to challenge the fee before an arbitrator appointed by the American Arbitration Association. Fiscal Services estimates that there are currently 12,000 union employees paying \$5.7 million in dues annually. With the new fees, the 18,000 non-union members would pay \$5.3 million, nearly doubling the amount to the seven unions that bargain with the Executive branch of state government. The average union dues amount is \$472 while the average annual cost to the non-union members would be \$306.

The provisions of the bill applies to collective bargaining agreements entered into to on or after July 1, 2010. (The next round of negotiations between the state and the unions begins in late 2010.)

HF 2420 was approved by the House Labor Committee on a party-line vote on February 11. However, the unions could not get 51 votes for the bill and it was never debated by the House.

***STATUS: DIED IN THE HOUSE***

### **SENATE FILE 2181 – IWD PRACTICES AND BOILER BILL**

Senate File 2181 makes changes to practices of Iowa Workforce Development and makes technical changes to the state's boiler law.

First, the bill states that the commissioner shall, by rule, promulgate standards as needed to conform state occupational safety and health standards to federal occupational safety and health standards. The commissioner shall follow the rulemaking procedures of chapter 17A, and shall file a notice of intended action within ninety days of federal publication of a new, amended, or revoked federal standard.

Second, the bill states that before any power boiler is converted to a low pressure boiler, the owner or user shall give ten days' written notice of intent to convert the boiler to the commissioner. The notice shall designate the boiler location, the uses of the building, and other information specified by rule.

The Senate approved SF 2181 on a unanimous vote on February 16. The House approved the bill without amendments on a unanimous vote on February 22. The Governor signed the bill on March 2.

***STATUS: SIGNED BY THE GOVERNOR***

### **HOUSE FILE 681 – NEW STATE WARN ACT – PLANT CLOSINGS**

HF 681 creates the Iowa worker adjustment and retraining notification (WARN) act. The bill requires employers to notify employees and the Department of Workforce Development of plant closings that result in the layoff of 25 or more full-time employees and mass layoffs that are reductions in the workforce of at least 25 employees in a 30-day period.

The following employers are exempt from the WARN Act provisions:

- An employer is impacted by a strike or lockout unrelated to this Chapter
- An employer that is faltering (note: “faltering” is not defined and it is up to the employer to prove it)
- An employer that experiences an unforeseen circumstance (which is defined as a “sudden, dramatic and unexpected action or condition outside of the employer’s control”)
- An employer that experiences a natural disaster (defined as floods, earthquakes, droughts, storms, tornadoes and similar effects of nature)

Employers who violate this chapter will be fined \$100 per day, per violation. Some employers may just opt to take the \$3000 fine rather than comply with the provisions of the bill.

The House approved HF 681 on January 27 on a 81-18 vote. The Senate approved the bill on March 10 on a 31-18 vote without amendments. The Governor signed the bill on March 22.

***STATUS: SIGNED BY THE GOVERNOR***

### **HOUSE FILE 2375 – ACCESS TO EMPLOYEE PERSONNEL FILES**

House File 2375 relates to access and security of employee personnel files. The bill defines “former employee” and provides employees and former employees with the same access to their personnel file.

The bill adds that former employees have the same access to the personnel files as current employees. Former employees can access the files for up to 2 years after employment. It creates a definition of “former employer”, meaning an individual who was employed, receiving wages, salary or other compensation from the employer. Finally, the bill changes both Code sections to allow former employees to have the same access to personnel files as current employees.

The bill was approved by the Labor Committee on a party-line vote on February 4 but was never debated in the House.

***STATUS: DIED IN THE HOUSE***

### **SENATE FILE 2279 – SHARED WORK PLANS**

SF 2279 amends the Code regarding voluntary shared work plans to allow for more than one shared work plan within a 24 month period. A shared work plan reduces the normal weekly hours of work for an employee in the affected unit by not less than twenty percent and not more than fifty percent with a corresponding reduction in wages. Only full-time employees who normally work between thirty-five and forty hours per week are eligible to participate. The reduction in hours and corresponding reduction in wages must be applied equally to all of the full-time employees in the affected unit.

The bill was agreed to by business and labor and approved by the Senate on a unanimous vote on February 18 and a unanimous vote by the House without amendments on March 25.

***STATUS: PASSED BY BOTH CHAMBERS***

## **SENATE FILE 2286 – REGULATION OF MIXED MARTIAL ARTS**

Senate File 2286 places the regulation of amateur and professional mixed martial arts (MMA) matches and events under the authority of the labor commissioner, similar to boxing and wrestling matches.

The bill creates new definitions for "Mixed martial arts match", "official", "participant" and "promoter". Mixed martial arts match means a professional or amateur mixed martial arts match or event that is open to the public with payment of an admission fee or if a donation is requested from those in attendance.

"Official" means a person who is employed as a referee, judge, timekeeper, or match physician for a match or event covered by this chapter. "Participant" means a person involved in a match or event covered by this chapter and includes contestants, seconds, managers, and similar event personnel. A "promoter" means someone organizes, advertises, or otherwise conducts a mixed martial arts match.

The bill requires that a person shall not promote a mixed martial arts match without first obtaining a license from the Labor Commissioner and requires the promoter of a mixed martial arts match shall be responsible for the conduct of all officials and participants.

It allows the Commissioner to suspend the license of contestant if the contestant fails a pre-fight physical or cannot produce proof of being at least 18. Also allows the license suspension of a promoter or contestant that violates the rules adopted pursuant to Chapter 90A.7. The bill requires the promoter to file a report within 20 days after the event. The report shall include number of tickets sold, amount of gross admission proceeds and other items the Commissioner may require by rule.

The bill outlines the criteria which allows the Commissioner to issue a cease and desist order against a promoter of a mixed martial arts match or event. Also provides for a civil penalty for violating the rules of this Chapter. The money from the penalties shall be deposited into the general fund.

Finally, the bill requires that a mixed martial arts contestant be at least 18 years of age.

The Senate approved the bill on a 48-0 vote on February 16. The House amended the bill to clarify which events were covered by the bill. Any event that is open to the public and an admission fee is charged, a donation is requested from those in attendance, or merchandise or refreshments are available for purchase is covered by the regulation.

The House approved the bill on a 89-6 vote on March 9. The Senate approved the bill on March 15 without amendments and sent it to the Governor for his signature.

***STATUS: SIGNED BY THE GOVERNOR***

## **LOCAL GOVERNMENT**

### **HOUSE FILE 2318 – CITY DEVELOPMENT BOARD**

Located in the Department of Economic Development (DED), the City Development Board oversees local annexation actions. Under current law the board members can serve 2 six year terms. This bill strikes the two term limit and lets people serve an unlimited number of four year terms. This bill takes effect upon enactment.

***STATUS: SIGNED BY THE GOVERNOR***

**HOUSE FILE 2347 – SILO-TIF VOTE**

Similar to 2009 legislation this bill attempts to allow a local vote on whether to permit a TIF/LOST district to be established. The bill inserts the vote at an awkward place which is prior to the city considering an ordinance. The TIF/LOST concept is an economic development tool allowing a city to keep the sales tax revenue generated within the TIF boundaries to pay the cost incurred or ongoing costs related to the developed area.

Also the bill "clarifies" that the city may keep only the sales tax revenue that city would have been able to keep under the regular disposition of TIF.

***STATUS: DIED IN HOUSE WAYS AND MEANS***

**SENATE FILE 434 – TRANSPARENCY – NUISANCE CITATION**

Today a when a city issues a nuisance citation on a real property there is no formal process by which the citation is affixed to the property. Potential buyers are often unaware of the citation.

SF 434 requires the district court to file the building code violation or public health and safety citation (nuisance) as lis pendens (suit pending) in order to heighten awareness of the citation. The bill also establishes a process by which properties with nuisance citations can not be offered for sale at a tax sale.

***STATUS: SIGNED BY THE GOVERNOR***

**SENATE FILE 2199 – MOBILE HOME CERTIFICATION**

Currently not all mobile homes are getting a certificate of title and paying the related titling fee. As such, a transfer of title now requires the seller to go back and obtain the certificate of title and pay the fee that was unpaid at the time of purchase. This bill has, from this point on, the mobile home retailer collecting the certificate of title fee to avoid non-payment by the owner. For those current mobile home owners the bill establishes a process by which the owner can get a title and pay the applicable titling fee.

***STATUS: SENT TO THE GOVERNOR***

**SENATE FILE 2254 – TREASURERS ASSESS FOR FENCE**

Under current law an adjacent landowner has a responsibility to maintain livestock related fences. The township trustees can intervene, fix the fences and bill the owners via the auditor. SF 2254 has the billing occur via the county treasurer. Also the bill clarifies that water district bonds are delivered to auditor but schedule of assessments go to treasurer.

***STATUS: SENT TO THE GOVERNOR***

**SENATE FILE 2264 – APPROVAL OF SUBDIVISIONS**

Under current law a city can review a “subdivision” if within 2 miles of a city’s boundaries. This bill expands the definition of a subdivision to include condominiums. This means that the proposed condominium horizontal property regime is subject to review at the option of the city.

***STATUS: SIGNED BY THE GOVERNOR***

### **SENATE FILE 2265 – SMART PLANNING**

This is a RIO bill. Now that the intensity of the 2008 flood is over the RIO office turns its attention to creating a 31 member comprehensive planning task force. The accompanying “SMART” comprehensive planning target state, regional, county and city planning.

The “SMART” planning model is a project management tool developed by psychologists as a tool to help set and reach goals. This model features goal setting that is specific, measurable, attainable, relevant and time-bound. There is also an evaluation and re-evaluation component.

SF 2265 does four things:

1. Puts in Iowa law 10 “SMART” planning principles that the state, local governments and other public entities “shall consider and may apply” when deliberating planning, zoning, development and resource management decisions.
2. Puts in Iowa law planning guidelines that cities and counties “shall consider and may apply”
3. Puts in Iowa’s zoning laws for cities, counties and airports language saying that their planning “shall be made with consideration of the SMART planning principles
4. Creates a new 29 member task force staffed by the RIO office and the department of management. The task force members are not compensated or reimbursed for expenses. The task force “develops recommendations for administration of a state comprehensive plan.” The task force also:
  - Develops a model regional comprehensive plan;
  - Creates a centralized electronic storage location for all city and county comprehensive plan
  - Provides and administers technical and financial assistance for state a local comprehensive planning.

Task Force recommendations are due to the Governor and General Assembly by November 15, 2010.

***STATUS: DIED ON HOUSE CALENDAR***

### **SENATE FILE 2328 – COUNTY COLLECTION OF TAX DEBT**

Under current law when a person goes to renew their motor vehicle registration they are turned away from renewing their license if they owe state or local back taxes. The person is directed to the other state and local offices where the taxes are owed. SF 2328 allows a county treasurer to collect the outstanding tax debt when a person renews his or she motor vehicle renewal.

***STATUS: DIED ON HOUSE CALENDAR***

## **SENATE FILE 2350 – CIVIL SERVICE COMMISSIONERS**

Under current law persons serving on their local civil service commission can't have an interest in or "directly or indirectly" provide supplies, material or labor to the city. This bill changes that to allow if the service, material or labor is awarded via a competitive bid process.

***STATUS: SIGNED BY THE GOVERNOR***

## **NATURAL RESOURCES**

### **HOUSE FILE 2017—CANOE & KAYAK REGISTRATION FEES**

House File 2017 proposed to eliminate a provisions that explicitly exempt canoe and kayaks shorter than 13-feet from annual boat registration fee and so that such vessels would need to purchase a \$12 annual registration fee.

***STATUS: DIED ON HOUSE CALENDAR***

### **HOUSE FILE 2200— CONVEYANCE OF LOADED, UNATTACHED FIRE-ARM MAGAZINES ON PUBLIC HIGHWAYS**

House File 2200 modifies existing conveyance of fire-arms provisions that provide that a person, except as permitted by law, shall not have or carry a gun in or on a vehicle on a public highway, unless the gun is taken down or totally contained in a securely fastened case and its barrels and attached magazines are unloaded to clarify that the aspect concerning magazines apply to permanently attached magazines. This would allow carrying of loaded, but separated magazines in a vehicle.

***STATUS: PASSED BOTH CHAMBERS IN IDENTICAL FORM***

### **HOUSE FILE 2310 –PEN RELEASED GAME BIRDS**

House File 2310 provides that an owner or tenant of land may obtain pen-reared pheasants from a hatchery approved by the department, and raise or release the pen-reared pheasants on the owner's or tenant's land. The person is not subject to restrictions applicable to hunting preserves. A person taking a pen-reared pheasant must comply with all applicable hunting requirements and obtain a hunting license.

***STATUS: PASSED BOTH CHAMBERS IN IDENTICAL FORM***

### **HOUSE FILE 2458—NO EFFECT SEASONAL DITCH MOW BAN**

House File 2458 expands existing primary/interstate right-of-way restriction concerning when mowing of such state property is allowed by the Iowa Department of Transportation (IDOT) to additionally cover secondary roads (county roadways) in the state and to apply to any person who might mow such land. The bill includes

existing exceptions now available to the IDOT such a for visibility and safety purposes; control of invasive and destructive weeds and insects; and creates a new seasonal mow ban, except for permitted purposes until July 15<sup>th</sup> of each year, with the exception of allowing mowing within 200-yards of an inhabited dwelling. However, this law has no criminal or civil penalties.

***STATUS: PASSED BOTH CHAMBERS IN IDENTICAL FORM***

**HOUSE FILE 2484—NON-CONFORMING BOAT DOCKS ON CEDAR RAPIDS HARBOR**

House File 2484 authorizes and direct the DNR director to issue class I, II and III permits for docks in a boat harbor located on the Cedar River in a county with a population of more than 125,000 that meet all other dock requirements, except that the floatation containers were not manufactured as floatation devices and were in use as of February 15, 2010. The holders of these non-conforming dock permits are allowed to transfer these permits to a child of the current permit holder, who may renew such permits as long as all other requirement for a dock permit are met. If the dock permit chooses not to renew or transfer the permit, DNR is directed to make the permit available to the general public, but the new permittee must upgrade to floatation devises.

***STATUS: PASSED BOTH CHAMBERS IN IDENTICAL FORM***

**SENATE FILE 2216—MINIMUM SHOOT DISTANCE FOR PRESERVE GAME BIRDS**

Senate File 2216 decreases the minimum distance that a person may shoot at a game bird that is released from 50-yards to a new a minimum of 25 yards for a person hunting on a licensed hunting preserve. For the purposes of the bill, a "game bird" means a pen-reared bird of the family gallinae (peasant, turkey, and grouse) and a mallard duck. A violation of this provision is punishable under current law by a scheduled fine of \$25.

***STATUS: PASSED BOTH CHAMBERS IN IDENTICAL FORM***

**SENATE FILE 2310—ALLOCATION PLAN FOR SUSTAINABLE NATURAL RESOURCES FUNDS**

Senate File 2310 codifies an allocation of revenue from a 3/8<sup>th</sup> of a penny sales and use tax revenue that may happen in the future. This legislation is triggered and is contingent upon passage of a Iowa Constitutional amendment that is on the ballot this fall that dedicates 3/8<sup>th</sup> of a penny sales tax revenue into a constitutionally protect Natural Resources and Outdoor Recreation Trust fund from which monies can only be used for natural resources and conservation purposes. 23% would go the Natural Resources Account; 20% to the Soil & Water Conservation Account; 14% to the Water Protection Account; 13% to REAP; 13% to the Local Conservation Partnership Account; 10% to the Trail Account; and 7% to the Lake Restoration Account.

***STATUS: PASSED BOTH CHAMBERS IN IDENTICAL FORM***

**SENATE FILE 2370—DNR OMNIBUS WILDLIFE FEEDING BAN**

Senate File 2370 proposed to makes numerous revisions to the snowmobile Code chapter 321G, which provides for the regulation of snowmobiles by DNR and Code chapter 321I, which provides for the regulation of all-terrain- vehicles (ATV) by DNR.. It also makes some rewording changes to all three ATV, snowmobile and watercraft safety programs for under age operators and authorizes DNR to develop requirements and standards for the provision of online education resulting in the issuance of education certificates for snowmobiles, ATVs,

and watercraft and provides that a vendor must enter into a memorandum of understanding (MOU) with DNR to conduct such a course. The MOU may allow a vendor to charge a fee for the online course and collect the education certificate fee on behalf of DNR.

SF 2370 would have provided DNR with authority to sell nursery stock produced at the state nursery to other states and adds ATV riding to the definition of 'recreational purpose' in the Code chapter dealing with Honey Creek State Resort (462C). The measure would have provided that permits allowing birds released at an officially sanctioned field or retriever meet or trial to be shot by designated persons under a permit issued by the DNR director upon application and payment of a \$25 fee, or an \$8 fee for raccoon hunting trials or meets. The most controversial aspect of the bill was the portion that would prohibit the feeding or baiting of wildlife by intentionally placing, depositing, distributing, or scattering feed to lure or attract such wildlife to a specific location. These provisions would have prohibited hunting, taking, or attempting to take wildlife in such a 'baited' area; and provides several specific exceptions to the prohibition against feeding or baiting wildlife. It would have allowed peace officers shall issue warning citations for a violation of the new provision from July 1, 2010, through June 30, 2011, thereafter; the fine would have been punishable as a simple misdemeanor subject to a scheduled fine of \$100, which can become a daily fine if the scattered feed is not cleaned up.

***STATUS: LIKELY TO DIE ON HOUSE CALENDAR, SOME ASPECTS INSERTED INTO STANDINGS***

## **PUBLIC SAFETY**

### **SENATE JOINT RESOLUTION 2009 – RESIDENTIAL FIRE SPRINKLERS**

Nullifies portions of IAC 661 that incorporate provisions of international residential code requiring the installation of automatic residential fire sprinkler systems in townhouses and single-family and two-family dwellings.

***STATUS: PASSED BOTH CHAMBERS***

### **SENATE FILE 2197 – UNDERAGE DANCING, PROVIDING FALSE INFORMATION**

In response to a troubling court decision, the bill closes a loophole that had prevented a conviction for allowing an underage minor to dance nude in an establishment. The bill would remove a "theater" exemption so that the owner of an establishment can be charged for allowing Public Indecent Exposure In Certain Establishments under section 728.5.

The bill also makes it a simple misdemeanor to knowingly provide false identification information to a person known to be a peace officer, medical care provider, or firefighter.

***STATUS: SIGNED BY THE GOVERNOR MARCH 22, 2010***

### **SENATE FILE 2357 – DOMESTIC ABUSE, GUN RIGHTS**

Incorporates federal provisions removing the gun rights of those convicted of domestic abuse or subject to a permanent protective order. Specifically, an individual who is subject to a permanent protective order is

prohibited from possessing firearms or ammunition. When the order is lifted, the individual's rights are restored.

An individual who is convicted of misdemeanor domestic abuse that involves physical contact or a deadly weapon is prohibited from possession of a firearm or ammunition for the rest of their lives. The only recourse, is a pardon from the President or the Governor.

***STATUS: SIGNED BY THE GOVERNOR MARCH 22, 2010***

#### **HOUSE FILE 426 – ACCIDENT REPORTING REQUIREMENTS**

Adds coverage for reserve peace officers to the law that prevents an accident which occurs in the line of duty from being counted against that officer for insurance purposes. Current law already extends to law enforcement officers.

***STATUS: SIGNED BY THE GOVERNOR MARCH 22, 2010***

#### **HOUSE FILE 2280 – DOG BREEDERS**

Establishes new regulatory authority within IDALS that covers dog breeders, including federally licensed facilities. Raises fees and creates new fees for a wide variety of facilities, not only on breeders, but facilities who merely handle or care for domestic animals. Establishes a new standard of care that must be met and new ability to inspect federal facilities.

***STATUS: SIGNED BY THE GOVERNOR MARCH 9, 2010***

#### **HOUSE FILE 2314 – CASTLE DOCTRINE**

Provides that a person has no duty to retreat, a right to stand their ground, and to meet force with force if they believe it necessary under the circumstances. Grants immunity to those using force within the law from criminal and civil prosecution.

***STATUS: DIED IN COMMITTEE***

## **REBUILD IOWA AND DISASTER RECOVERY**

#### **SENATE FILE 2225 – CRIMINAL FINES IN DISASTER AREAS**

Doubles criminal fines for crimes occurring on or against disaster affected property. The bill is an attempt to address the increased amount of crime against property that often follows a disaster for an extended period of time. The increased penalties would remain in effect for three years from the end of the disaster declaration.

***STATUS: PASSED THE SENATE***

### **SENATE FILE 2316 – 500 YEAR FLOODPLAIN**

Directed various state agencies to develop a model ordinance to regulate the 500 year floodplain. Would require “critical facilities” to be built so that they can safely operate during a 500 year flood. Concern were raised about costs and feasibility of such an approach. IDALS is directed to conduct a hydrological tiling study.

*STATUS: PASSED THE SENATE*

### **HOUSE FILE 2294 – DISTRIBUTION OF FUNDS FOR INDIVIDUAL ASSISTANCE**

Allows a recipient of individual disaster aid assistance grant funds to receive reimbursement with the submittal of a receipt or to receive a voucher through a voucher system administered by DHS. The voucher system will aid individuals without funds to provide upfront.

*STATUS: PASSED BOTH CHAMBERS*

### **HOUSE FILE 2422 – DISASTER RECOVERY CASE MANAGEMENT**

Allows for the creation of a disaster recovery case management system which would be in place to help disaster victims receive assistance through a ready and streamlined process. This is a forward looking approach to better address disaster recovery efforts that will ease and bring clarity to the process for Iowans.

*STATUS: SIGNED BY THE GOVERNOR MARCH 22, 2010*

### **HOUSE FILE 2487 – RECOVERY ZONE BONDS**

Directs Iowa Finance Authority to question counties eligible for recovery zone bonds if they plan to use that bonding authority. IFA will then pool the unused authority and make it available to counties who have bonded their full amount under the program.

*STATUS: PASSED BOTH CHAMBERS*

## **STATE GOVERNMENT**

### **HOUSE FILE 788—UNDERAGE DRINKING**

House File 788 strikes language directing a peace officer to notify a minor’s parent that the minor was intoxicated in public or was in possession of alcohol and instead directs the peace officer to refer the minor to juvenile court. The juvenile court officer will notify the minor’s parents and the school the minor attends. House File 788 also expands the definition of “premises” with regard to knowingly permitting or engaging in any criminal activity covered by a liquor license to include parking lots and areas adjacent to the licensed premises and used by patrons of the liquor licensee holder. It adds that the absence of security personnel on the licensed premises is insufficient, without additional evidence, to prove that criminal activity occurring on the licensed premises was knowingly permitted.

***STATUS: SENT TO GOVERNOR***

**HOUSE FILE 2470—ELECTION DAY CHANGES**

House File 2470 adds to the list of documents that are accepted for purposes of establishing residency for election-day and in-person absentee voter registration.

Currently, two of the acceptable items for establishing residency are a property tax statement or utility bill showing the name and address of the voter registrant. House File 2470 provides that a receipt for payment of either of these items is acceptable if the receipt contains the name and address of the voter registrant.

Additionally, House File 2470 requires the state commissioner include on the voter registration form, space for the registrant to indicate whether the registrant wishes to request an absentee ballot, and the name and date of the election for which the absentee ballot is requested. It also states that the department or a county treasurer's office is not required to inquire of a registrant, or a person who declines registration, whether they would like to request an absentee ballot. House File 2470 also directs that a precinct election official shall not require any person whose name appears on the election register as an active voter to show identification. Additionally, beginning on the 100th day before the election, all applications for and voter registration information contained on absentee ballots must be recorded on the statewide voter registration system within 48 hours of receipt.

***STATUS: DIED ON THE HOUSE REGULAR CALENDAR***

**HOUSE FILE 2494—MIDWIVES**

House File 2494 adds “midwife” to the list of professions requiring a license or certification and establishes a Board of Midwifery. It provides that all persons practicing midwifery are to be licensed pursuant to this chapter beginning July 1, 2011. Before receiving a license, a practitioner must pass an exam approved by the board. House File 2494 makes it clear that doctors and nurses are not prohibited from practicing midwifery.

***STATUS: DIED ON THE HOUSE REGULAR CALENDAR***

**HOUSE FILE 2518—PUBLIC RETIREMENT SYSTEMS**

*Division I – Public Safety Peace Officers’ Retirement, Accident, and Disability System*

House File 2518 amends the employer contribution rate. It directs that the rate will continue to increase 2 percent per year (starting in 2012 with 27 percent) until reaching the lesser of 37 percent or the amount determined actuarially beginning July 1, 2017. House File 2518 also amends the employee contribution rates. It directs that the rate will increase by .5 percent for 4 years beginning in July 2011. This takes the rate from 9.35 percent to 11.35 percent beginning on and after July 2014. House File 2518 also states that beginning July 1, 2012 and until the system is 85 percent funded the state general fund will appropriate 5 million dollars per year to the retirement fund. This will not reduce the normal rate of contribution by the state below 17 percent.

*Division II – Iowa Public Employees’ Retirement System*

House File 2518 directs that a member's final average covered wage is the greater of the member's highest five years or the member's three-year average as of June 30, 2012. House File 2518 also provides that beginning July 1, 2012, a member is vested after seven years of service (instead of 4) or has attained the age of 65 or greater while in covered employment. For members in special service, a member vests if the member has completed at least four years of special service or has attained the age of 55 or greater while in covered employment. House File 2518 provides that beginning July 1, 2011, the required total contribution for IPERS regular service

members can go up or down 1 percentage point from the required contribution rate for the previous year and that the required total contribution rate for regular members in IPERS shall 13.45 percent for the fiscal year beginning July 1, 2011.

*Division III – Statewide Fire and Police Retirement System*

House File 2518 repeals the appropriation from the general fund to the system for each fiscal year in an amount necessary to finance the cost of benefits provided and provides that an appropriation to MFPRSI from the general fund during FY 2010–2011 of \$1,500,000, and during FY 2011–2012 of \$750,000.

**STATUS: SENT TO GOVERNOR**

**SENATE FILE 2062—EARLY RETIREMENT**

Senate File 2062 is the state’s early retirement package. It provided that eligible employees were those employees employed within the executive branch. To be eligible the employee had to do the following:

1. Submit DAS approved forms by April 15, 2010
2. Acknowledge in writing the voluntary agreement to terminate employment for the incentives offered
3. Agree to waive all rights to file suit against the state based on the employment relationship
4. Agree to waive all future state employment unless becoming an elected official
5. Agree to sever employment with the state no later than May 28, 2010

Senate File 2062 provides that upon acceptance to participate and after ending employment no later than May 28, 2010 a participant shall receive all of the following:

1. September 2010 and each September after for a total of 5 years the employee will receive 20 percent of the years of service benefit. This is in lieu of a payment for the participant’s unused vacation.
2. If the employee does not have enough sick leave to pay for health insurance for the first 5 years after retirement, the state will pay for the participant or spouse based on DAS approved group plans for that insurance.

Senate File 2062 provides that the Legislative Council may provide a retirement incentive program for legislative employees and the Supreme Court for judicial branch employees consistent with the program for executive branch employees.

**STATUS: SIGNED BY GOVERNOR**

**SENATE FILE 2067—ETHICS REGULATIONS**

Senate File 2067 clarifies that the limitation on public officials and employees selling goods or services to state agencies does not apply to sales done as part of official state duties. It also requires an executive branch official or employee who makes a permissible sale of a good or service to a state agency (as part of private sector employment) file a report with the Ethics Board disclosing the sale.

**STATUS: SIGNED BY GOVERNOR**

**SENATE FILE 2088—GOVERNMENT REORGANIZATION**

Senate File 2088 is the government reorganization bill.

***Fiscal Impact – FY2011***

	<u>State General Fund</u>	<u>Other Funds</u>
Total Savings:	\$50.5 million	\$45.6 million
Additional Revenue	\$19.4 million	\$10.4 million
Appropriations	\$-1.7 million	\$0
Total Impact	\$68.2 million	\$56 million

***Fiscal Impact – FY2012***

	<u>State General Fund</u>	<u>Other Funds</u>
Total Savings:	\$26.9 million	\$14.1 million
Additional Revenue	\$5.7 million	\$20.1 million
Appropriations	\$0	\$0
Total Impact	\$32.6 million	\$34.2 million

***STATUS: SIGNED BY GOVERNOR***

**SENATE FILE 2128—ELECTRONIC FILING OF CAMPAIGN STATEMENTS**

Senate File 2128 requires out of state and federal PACs, county statutory political committees, and any other committee at the county, city, school or other political subdivision level that exceeds \$2000 in campaign activities to file electronically effective January 1, 2011.

***STATUS: SIGNED BY GOVERNOR***

**SENATE FILE 2161—BINGO**

Senate File 2161 strikes the references to organizations exempt from income tax under certain federal tax code sections and inserts that a person can conduct bingo if the requirements currently in code are met.

***STATUS: AMENDMENT ON HOUSE FILE 2531 (STANDINGS)***

**SENATE FILE 2194—SECRETARY OF STATE’S TECHNICAL BILL**

Senate File 2194 is the Secretary of State’s annual technical bill. It makes various changes to election laws including changing the threshold for reporting the names of individuals who received write-in votes from 2% to 5%. Additionally, it gives the auditor the ability to use voting equipment in all elections. The auditor may still use hand counted paper ballots in school elections and city elections where the population of the city is fewer than 3,500. Senate File 2194 changes Iowa law to match new federal legislation requiring absentee ballots to be mailed to military and overseas voters at least 45 days before federal elections. It also makes other various technical and clarification changes.

***STATUS: SIGNED BY GOVERNOR***

**SENATE FILE 2195—CAMPAIGN FINANCE REQUIREMENTS**

Senate File 2195 requires an organization to disclose its political activities when the organization is advocating that an individual run for office, but the individual has not announced an intention to run for office. It also clarifies that a permanent organization temporarily engaging in political activities is required to disclose its campaign activities when involved in a ballot issue election as well as a candidate election. Senate File 2195 also directs the Ethics and Campaign Disclosure Board to adopt rules prohibiting the owner, publisher, or editor of a sham newspaper from promoting the candidacy of any person (currently the law only deals with situations where the owner, publisher, or editor is the candidate).

***STATUS: SIGNED BY GOVERNOR***

### **SENATE FILE 2215—GENETIC MATERIAL**

Senate File 2215 incorporates the federal definitions of genetic information and genetic testing. Senate File 2215 directs that a genetic test cannot be done without informed and written consent of the person being tested. The sections lists the following as exceptions:

- State or federal law
- Criminal investigations
- Identification of deceased
- Establishing paternity
- Screen newborns
- Medical or scientific research/education and medical repositories/registries without identifiable information.

It directs that insurance companies cannot release genetic information without prior written authorization. The exceptions to that rule are:

- Participation in research settings
- Tests conducted for research, tests for somatic mutations, and forensic testing
- Newborn screening
- Paternity screening
- Criminal investigations

Senate File 2215 states that an insurer cannot discriminate against someone on the basis of genetic information or testing.

***STATUS: SENT TO GOVERNOR***

### **SENATE FILE 2217—RAFFLES**

Senate File 2217 authorizes a participant in a raffle conducted by an eligible qualified organization to purchase raffle tickets by personal check, money order, bank check, cashier's check, electronic check, or debit card for one raffle per calendar year. An eligible qualified organization is defined as one that has conducted a raffle during the previous eight consecutive calendar years in which the net proceeds are distributed to a museum. ( National Motorcycle Museum in Anamosa) The department of inspections and appeals is directed to adopt rules that ensure compliance with applicable federal law and with regard to the protection of personal information consistent with payment card industry regulations.

***STATUS: AMENDMENT ON HOUSE FILE 2531 (STANDINGS)***

### **SENATE FILE 2270—EXPRESSION OF BREASTMILK**

Senate File 2270 requires employers to provide reasonable unpaid break time or allow employees to use paid break time to express milk for the employee’s nursing child up to two years old. The employers must make reasonable efforts to provide a place (other than a toilet stall) which is private. Workforce development is to provide information to employers on how to accommodate breastfeeding in the workplace. Before employees can sue for a violation they must go to mediation with the employer. Senate File 2270 states that laws relating to the expression of breast milk are under the purview of the labor commissioner.

***STATUS: DIED ON THE HOUSE UNFINISHED BUSINESS CALENDAR***

### **SENATE FILE 2253—LEASING OF FIBER OPTICS**

Senate File 2253 deals with fiber optics and directs that facilities with sufficient capacity as determined by the commission be leased. Currently, the state leases all fiber optic cable facilities or those facilities with DS-3 capacity for Part III connections that receive state funds. Senate File 2253 deletes any references to specific capacity and instead provides that any facilities with sufficient capacity are to be leased. It specifies that when making the sufficiency determination, the Iowa Telecommunications and Technology Commission must consult with the agencies associated with the connections

***STATUS: AMENDMENT ON HOUSE FILE 2531 (STANDINGS)***

### **SENATE FILE 2354—CAMPAIGN FINANCE REFORM**

Senate File 2354 addresses the Supreme Court’s recent decision in *Citizen’s United*. It clarifies the reporting of in-kind contributions by removing confusion surrounding an in-kind contribution being reported when received, not when the person who provides the in-kind contribution is billed for the good/service.

Senate File 2354 makes the following changes to the current “independent expenditure” statute:

- Increases the reporting threshold for an independent expenditure from \$100 to \$750 (the same filing threshold as for candidates).
- Requires the board of directors or some other governing body of the entity making independent expenditures to vote to authorize the entity to engage in independent expenditure activities.
- Prohibits a foreign national from engaging in independent expenditure activities.
- Requires Independent Expenditure Statements to be filed electronically with the Ethics and Campaign Disclosure Board (currently they are only filed by paper).
- Requires the entity making an independent expenditure to also file campaign disclosure reports with the Ethics and Campaign Disclosure Board disclosing political contributions to the entity for purposes of making the independent expenditure.
- Clarifies that an independent expenditure is made at the time the communication is purchased or ordered and not when actually billed.
- Requires certification on the Independent Expenditure Statement that the independent expenditure was authorized by the board of directors or some other governing body of the entity making the independent expenditure.
- Changes the requirement that a person making an independent expenditure cannot hire a consultant to assist with that expenditure if that consultant has been hired or retained within the prior six months by the candidate.

Senate File 2354 makes the following changes to the “paid for by” statute:

- Requires a “paid for by” on television, video, and motion pictures that expressly advocate for or against clearly identified candidates or ballot issues.
- If the political material was paid for by a corporation that the “paid for by” would include the name and address of the corporation and the name/title of the CEO of the corporation.
- If the political material was an independent expenditure that the “paid for by” would include that the independent expenditure was not authorized by a candidate or committee.
- Would require the “paid for by” on television, video, or motion picture to be on screen for at least four seconds.

***STATUS: SENT TO GOVERNOR***

**SENATE FILE 2355—LICENSING FIRE PROTECTION SYSTEMS INSTALLERS**

Currently all fire system installers and maintenance workers have to have a license. Senate File 2355 eliminates references to a four year apprenticeship and requires completion of a fire protection apprenticeship program approved by the United States department of labor, or completion of two years of full-time employment as a trainee. The fire marshal, by rule, may restrict the scope of work authorized by a license. There is an exemption from licensure for someone who is only performing routine maintenance and for custodians in schools, hospitals, and government facilities performing sprinkler maintenance.

***STATUS: SIGNED BY GOVERNOR***

**TRANSPORTATION**

**HOUSE FILE 2436—GRADUATED DRIVER’S LICENSES**

House File 2436 is an update to Iowa’s graduated driver’s licensing structure. It changes the time period that someone must have an instruction permit before obtaining an intermediate license from six months to twelve months. It also lengthens the time period a person must be accident and violation free before obtaining an intermediate license from six months to twelve months. House File 2436 also limits the number of unrelated minors a person with an intermediate license can have in their car to only one. It also requires that a person holding an intermediate license who drives between the hours of 11pm and 5am be accompanied by an approved license holder. This time frame was a change from the current law of 12:30am to 5am. There is however, a waiver form provided by the Department of Transportation if the licensee is going to or from work or a school activity during the restricted hours.

***STATUS: DIED ON THE HOUSE REGULAR CALENDAR***

**HOUSE FILE 2456—RESTRICTIONS ON ELECTRONIC COMMUNICATION WHILE DRIVING**

The first sections of House File 2456 cover only minor drivers. Minors who have special permits (work, school, intermediate, and instruction) are prohibited from using electronic communication devices or electronic entertainment devices unless their vehicle is at a complete stop off the traveled portion of the highway. This means that minors with special permits cannot talk on their cell phones (electronic communication device) while driving. This prohibition does not apply if the equipment is permanently installed in the vehicle, or

operated through permanently installed equipment. The prohibition is a moving violation, enforceable as a primary offense, and carries a fine of \$30.

The prohibition in House File 2456 is much narrower for adult drivers. Adults cannot not use a hand held electronic communication device to read, write, or send a text message while driving a vehicle. It is still be permissible to use a global positioning or navigational system, to manually enter a telephone number to place a call, or to talk on your cell phone while driving.

Several exemptions were inserted in House File 2456 with regard to the adult reading prohibition. Those exempt from the reading prohibition include: a member of a public safety agency performing official duties (fire fighting, law enforcement, ambulance, medical, or other emergency services), health care professionals in the course of an emergency, and persons receiving safety-related information including emergency, traffic, or weather alerts.

A violation of the adult prohibition is only enforceable as a secondary offense. An adult found in violation of the ban is guilty of a non-moving violation classified as a simple misdemeanor and will be punished by a scheduled fine of \$30.

Both the prohibition for minors and adults carry harsher penalties if someone is injured or dies as a result of a violation. In the case of a serious injury, a court can impose an additional fine of \$500 or suspend the person's driver's license for not more than 90 days, or both. If a violation causes a death, a court could impose an additional fine of \$1,000 or suspend the person's driver's license for not more than 180 days, or both.

House File 2456 preempts any ordinance passed or previously enacted by any local, county, or municipal ordinance regarding anything covered by this new law. It also preempts any county or municipality from adopting or continuing in effect any ordinance regarding electronic communications devices or electronic entertainment devices.

For both adults and minors only warnings will be issued between July 1, 2010 and June 30, 2011. After that warning period, citations can be issued.

***STATUS: SENT TO GOVERNOR***

### **HOUSE FILE 2466—DRIVER'S EDUCATION TEACHERS**

House File 2466 makes changes to the requirements for individuals who provide classroom, street and highway driving instruction. It prohibits the DOT from disqualifying a person from providing street or highway driving instruction, and prohibits the board of educational examiners from withholding or withdrawing authorization to provide the same, solely because the person was involved in a motor vehicle accident, unless the person contributed to the accident and the accident either caused a death or serious injury or it was the person's second or subsequent contributive motor vehicle accident in a two-year period. The final field test administered prior to a student's completion of an approved course must be administered by a person qualified as a classroom driver education instructor, and the bill adds that the person must also be certified to provide street and highway driving instruction. A person qualified as a classroom driver education instructor but not certified to provide street and highway driving instruction may administer the final field test if accompanied by another person qualified to provide street and highway driving instruction.

***STATUS: SIGNED BY GOVERNOR***

### **HOUSE FILE 2468—OFF-ROAD VEHICLES**

House File 2468 states that all-terrain vehicles include off-road utility vehicles as defined by section 321I.1. House File 2468 adds a new paragraph stating that an all-terrain vehicle (including off-road utility vehicles) shall not be on a county roadway unless designated by the county board of supervisors or on a city street unless designated by the city. Additionally both counties and cities can also authorize both all-terrain and off-road utility vehicles to stop at service stations or convenience stores.

***STATUS: AMENDMENT ON SENATE FILE 2381 (TRANSPORTATION BUDGET)***

### **SENATE FILE 2146—VEHICLE WARRANTIES**

Senate File 2146 prohibits a car manufacturer, distributor, or importer from reducing or denying payment on a warranty claim for parts, repairs, or services supplied by a car dealer if the dealer submits the claim within 60 days of completing the work.

***STATUS: SIGNED BY GOVERNOR***

### **SENATE FILE 2179—BACKSEAT SEATBELTS**

Senate File 2179 requires that all passengers in a vehicle under age 18 (currently 11) wear seatbelts regardless of position in the car. Senate File 2179 provides an exemption from the backseat seatbelt requirement for a child under age 18 when no seatbelt is available.

***STATUS: AMENDMENT ON SENATE FILE 2381 (TRANSPORTATION BUDGET)***

### **SENATE FILE 2220—INDEMNITY CLAUSES IN TRUCK CONTRACTS**

Senate File 2220 ensures that a truck driver is not liable for any loss, damage, or injury related to an indemnity clause in the carrying contract. The indemnity clause is null and void in certain cases, but the contract is not. Senate File 2220 came about because sometimes when truckers pick up products for delivery, companies have put language in their delivery contracts that would hold the truck driver liable for the loss, damage, or injury of a company employee if the employee is injured during the loading or unloading of the truck. The bill keeps the rest of the contract in tact, but would not recognize a part of a contract that attempts to hold the truck driver liable .

***STATUS: SENT TO GOVERNOR***

### **SENATE FILE 2234—VEHICLE FRANCHISE LAW**

Senate File 2243 expands the definition of franchise to include separate agreements relating to the franchise, whether they were entered into prior, contemporaneously, or subsequent to the date of the franchise. It also imposes a duty of good faith in the performance and enforcement of the franchise agreement. Dealers cannot be forced to stop or precluded from selling other line-makes and franchisees do not have to provide their customer lists or service files to the franchiser.

***STATUS: SIGNED BY GOVERNOR***

**SENATE FILE 2246—DOT OMNIBUS BILL**

Senate File 2246 amends Chapter 321.1 to clarify that the definition of business trade truck applies to model year 2010 and newer vehicles. It also amends Chapter 321L.2 to allow the DOT to waive the requirement that a social security number, driver's license number, or non-operator's identification number be furnished when making an application for a temporary persons with disabilities parking permit if the application is made on behalf of a person less than one year of age.

***STATUS: SIGNED BY GOVERNOR***

**SENATE FILE 2273—ELECTRONIC REGISTRATION OF VEHICLES**

Senate File 2273 creates an implementation study of a statewide system of electronic vehicle registration and titling. The study is to include other interested state agencies and is to determine the best way to implement the program as well as estimate the costs and benefits of implementing such a system. The study is to be complete and the report shall be due to the general assembly by December 1, 2010.

***STATUS: SENT TO GOVERNOR***

**VETERANS AFFAIRS**

**HOUSE FILE 755 – ELIGIBILITY FOR INJURED VETERANS GRANT PROGRAM**

HF 755 expands eligibility for the Injured Veterans Grant Program. Now, in addition to being medical evacuated from a war theater, a soldier is eligible if they are hospitalized for more than 30 consecutive days at a military hospital for an injury received while in the line of duty. The purpose of the grant is to provide money for family to travel and be with the soldier during recovery.

***STATUS: SIGNED BY THE GOVERNOR MARCH 16, 2010***

**HOUSE FILE 2110 – MILITARY SPOUSE UNEMPLOYMENT BILL**

HF 2110 makes military spouses who voluntarily leave their job due to the relocation of their spouse by the military eligible for unemployment benefits. The charges will not be applied to an employer's account directly but will instead come from the Unemployment Trust Fund.

***STATUS: SIGNED BY THE GOVERNOR MARCH 16, 2010***

**HOUSE FILE 2137 – CONCERNING STATE MILITARY SERVICE AND THE CODE OF MILITARY JUSTICE**

HF 2137 clears up some grey area in the code for the adjutant general of the national guard. It conforms some portion of Iowa Code to the Uniformed Code of Military Justice. It states the adjutant general will not be

considered a state employee while activated for state military service. It also sets punishments for possession of controlled substances. Finally, it gives the adjutant general the authority to impose discipline on an Iowa National Guardsman when they are activated outside of the state.

***STATUS: SIGNED BY THE GOVERNOR MARCH 22, 2010***

#### **HOUSE FILE 2148 – ELIGIBILITY FOR MILITARY HOMEOWNERSHIP GRANT**

HF 2148 changes the Military Homeownership Assistance Program eligibility. Previous law required that a military member under a certain income threshold must use an Iowa Finance Authority finance program to receive the grant. Low rates in the housing market meant IFA's program couldn't always offer the lowest rate, causing military members to choose between the grant and the lower rate. This bill allows a bank to apply to IFA to allow the military member to get a loan at their local banks. Applying to IFA protects a buyer from bad loans and predatory lenders.

***STATUS: SIGNED BY THE GOVERNOR MARCH 22, 2010***

#### **HOUSE FILE 2197 – HOLIDAY FOR VETERANS ON VETERANS DAY**

HF 2197 requires employers in the state to provide employed veterans a holiday for Veteran's Day, if the employee would otherwise be required to work that day. It is the employer's choice whether the holiday is paid or unpaid. If providing the day off would cause "significant economic or operational disruption" or impact public health or safety, the employer can deny the request.

Veterans are required to request the day off 30 days in advance and provide proof of service. Employers are required to notify a veteran 10 days in advance of the holiday if they are receiving the day as a paid or unpaid holiday. If too many employees request the day off, an employer shall deny the request for the minimum number of employees needed to maintain minimum operational capacity or to protect public safety or health.

***STATUS: PASSED BOTH CHAMBERS AND ENROLLED***

#### **HOUSE FILE 2321 – PROVIDING VETERANS SERVICES TO INMATES IN JAIL**

HF 2321 attempts to help veterans in a jail or municipal holding facility. It requires the jail personnel to inquire if the prisoner is a veteran and if so, to provide contact information to the prisoner for the local county veterans services office. The intent is to help identify veterans who may be suffering from PTSD or TBI and to get services to them if available.

***STATUS: SIGNED BY THE GOVERNOR MARCH 23, 2010***

#### **HOUSE FILE 2384 – ADVISING MILITARY MEMBERS ON TAX ISSUES AT DEPLOYMENT**

HF 2384 requires the National Guard to advise members deploying overseas of tax filing issues related to active duty military members and to encourage them to contact the Department of Revenue if they owe taxes.

***STATUS: SIGNED BY THE GOVERNOR MARCH 23, 2010***

**HOUSE FILE 2406 – PROMOTE THE USS IOWA AS NAVAL MUSEUM**

HF 2406 requires the Iowa Department of Veterans Affairs to promote and support the preservation of the battleship U.S.S. Iowa as a permanent naval museum.

*STATUS: SIGNED BY THE GOVERNOR MARCH 22, 2010*

**HOUSE FILE 2454 – NON-COMPETITIVE HIRING OF DISABLED VETERANS**

HF 2454 requires the Departments of Administrative Services, Veterans Affairs, Education, and Workforce Development to promote programs supporting the use of federal funds to hire disabled veterans into work programs at state agencies. If a disabled veteran completes the work program successfully, the agency may non-competitively hire them for the position. The work program is already an active program paid for with federal funds.

*STATUS: PASSED BOTH CHAMBERS AND ENROLLED*

**HOUSE FILE 2532 – EXEMPTION OF VETERANS TRUST FUND PAYMENTS FROM INCOME TAX CALCULATION**

HF 2532 exempts from a veteran's income tax calculation any money they receive from the Veterans Trust Fund relating to travel expenses and unemployment assistance resulting from service-related injuries.

*STATUS: PASSED BOTH CHAMBER AND ENROLLED*

**SENATE JOINT RESOLUTION 2007 – RESOLUTION SUPPORTING USS IOWA, CREATING A COMMITTEE TO RAISE FUNDS AND ESTABLISHING A FUND**

SJR 2007 is a resolution supporting the preservation of the U.S.S. Iowa. It also establishes a committee, to be appointed by the governor, to raise funds for the preservation effort. The money raised shall be kept in a fund in the treasury and administered by the Department of Cultural Affairs. The committee is unpaid.

*STATUS: PASSED BOTH CHAMBERS AND ENROLLED*

**SENATE FILE 2175 – PROVIDING VETERAN REPRESENTATION ON CERTAIN MENTAL HEALTH POLICY BOARDS**

SF 2175 provides for representation by a military veteran who is knowledgeable concerning the behavioral and mental health issues of veterans on both the mental health planning and advisory council and the mental health, mental retardation, developmental disabilities, and brain injury commission

*STATUS: PASSED BOTH CHAMBERS AND ENROLLED*

**SENATE FILE 2226 – TRANSFER OF VISITATION RIGHTS DURING DEPLOYMENT**

SF 2226 allows for the temporary transfer of visitation rights to a family member of a military parent when that military parent is called to active duty service. It requires that if the court provides for the transfer of the visitation rights that it is in the best interest of the child. The process for transfer is defined as is what is in the best interest of the child. The temporary visitation rights would dissolve when the military parent returns from active duty or requests that they be dissolved, whichever comes first.

***STATUS: SIGNED BY THE GOVERNOR***

**SENATE FILE 2274 – VETERANS EDUCATION BENEFITS AND NATIONAL SECURITY PROGRAM**

HF 2274 relates to various educational matters for military members, veterans, and their dependents. It changes current code as it relates to in-state tuition at community college and regents universities for military members and veterans by changing definitions and eligibility requirements. It expands eligibility for in-state tuition for active duty military from the Rock Island Arsenal to the entire state.

It requires that the board of educational examiners appoint a single point of contact for spouses of active duty military members as it relates to nontraditional licensure. And it sets up two study groups, one of which is tasked with studying the implementation of a foreign language flagship education program in Iowa and the other which is tasked to study whether or not to provide greater undergraduate postsecondary benefits to veterans and their families.

***STATUS: SIGNED BY THE GOVERNOR***

**SENATE FILE 2297 – Refunds and Waiver of fees, disconnection of utilities and use of state facilities**

SF 2297 edits several sections of the Code. It waives fees relating to birth and death certificates for family members of a soldier killed on duty, refunds the remainder of fees paid for hunting and fishing permits for a soldier called to active duty, sets a limit on charging for use of state facilities by the National Guard for homecoming and deployment family events, prevents disconnection of services by a public utility for a household in which one of the heads of the household is deployed, and adds that a department of defense document signed by soldier shall be considered a valid declaration for disposition of remains of the soldier.

***STATUS: PASSED BOTH CHAMBERS AND ENROLLED***

**SENATE FILE 2318 – EMPLOYMENT BENEFITS AND PROFESSIONAL LICENSING FOR MILITARY MEMBERS**

SF 2318 relates to employment benefits, professional licensing, and interest rate limit enforcement for military members. It requires DAS to establish programs to inform state employees who are military members, and their families, of their rights and benefits while the service member is deployed. It allows an active member of the peace officers' retirement system to purchase service credit for military service. It also provides that professional liability insurance coverage shall be stayed during military service and that the service member shall be allowed to continue coverage and resume payment upon completion of military service without penalty. Final, it sets a study to see if comparable military training could substitute licensing requirements for the soldier.

***STATUS: PASSED BOTH CHAMBERS AND ENROLLED***

## WAYS AND MEANS

### **HOUSE STUDY BILL 652 TAX COUPLING WITH INTERNAL REVENUE CODE FOR 2009 TAX YEAR**

Conforms Iowa's tax law with the changes Congress made to the federal law for tax year 2009. Specifically, the bill would have allowed certain tax deductions for Iowa purposes that are afforded to taxpayers on their federal returns. Failing to pass this bill or "not couple" will increase taxes on Iowans who have traditionally been able to take deductions on both their state and federal returns. A few examples of deductions are the teacher out of pocket expense deduction, the tuition and textbook deduction for students and parents etc.

***STATUS: DIED IN THE HOUSE***

### **HOUSE FILE 221 INSTRUCTIONAL SUPPORT LEVY**

Exempts the instructional support property tax levy of a school district from being collected as part of the incremental taxes paid to municipality for TIF purposes.

***STATUS: DIED IN THE HOUSE***

### **HOUSE FILE 816 DEPT. OF REVENUE SUBPOENA POWER**

Provides the Department of Revenue (IDR) with the authority to subpoena customer records held by public and private utilities related to individuals that owe back taxes, penalties and interest. IDR estimates it will collect an additional \$1 million annually with this new authority.

***STATUS: PASSED HOUSE***

### **HOUSE FILE 2082 REGENERATIVE MEDICINE RESEARCH TAX CREDIT**

Provides a tax credit to an individual or corporation that makes a charitable contribution to certain institutions engaged in regenerative medicine research (adult stem cell research).

***STATUS: DIED IN THE HOUSE***

### **HOUSE FILE 2114 TAX COUPLING WITH INTERNAL REVENUE CODE FOR 2008 TAX YEAR**

Conforms Iowa's tax law with the changes Congress made to the federal law for tax year 2008. The Department of Revenue issued guidance to tax preparers in their 2008 booklet that they should file 2008 returns as if the legislature would couple with the 2008 tax changes made by Congress. As a result, many tax payers filed their 2008 returns which took deductions that were not available for state tax purposes because the legislature failed to couple in 2008.

***STATUS: DIED IN THE HOUSE***

### **HOUSE FILE 2138 INCOME TAX EXEMPTION FOR VETERANS TRUST FUND GRANTS**

Exempts certain benefits veterans receive from the veterans trust fund from income taxes.

***STATUS: PASSED THE HOUSE***

### **HOUSE FILE 2251 DISTRESSED COMMERCIAL PROPERTY TAX ABATEMENT**

Permits the adoption of a more aggressive tax abatement schedule for the redevelopment of commercial properties that meet a specific criteria.

***STATUS: DIED IN THE HOUSE***

### **HOUSE FILE 2514 PROPERTY ASSESSMENT APPEALS**

Requires aggrieved taxpayers who own property valued at \$1 million or more to appeal their local board of review property assessments to the Property Assessment Appeals Board, before going to district court.

***STATUS: DIED IN THE HOUSE***

### **HOUSE FILE 2509 MINORITY OWNED BUSINESS UTILIZATION**

Relates to the utilization of minority-owned and female owned businesses for certain public work. (administration of Public Safety Peace Officers Retirement System, IPERS, Public Retirements Systems Generally, Municipal Fire and Police Retirement System, and Judicial Branch Systems). The bill establishes a new code section that creates a “good-faith effort” requirement various governmental entities must meet to utilize minority-owned and female-owned businesses (attorneys, accountants, financial advisors, banks, underwriters, insurers and other employees necessary to carry out) when issuing bonds or other obligations. The bill requires the Treasurers’ Office to maintain a list of minority-owned and female-owned businesses that have requested to be notified of requests for proposals. The list shall be available on the treasurer’s website and requires the treasurer’s office to adopt rules to implement the system.

***STATUS: DIED IN THE HOUSE***

### **HOUSE FILE 2516 SPECIAL ELECTION LAWS**

Notwithstanding current special election laws and any other law to the contrary, to authorize a county or a city to hold an election on propositions to authorize 1) the issuance of bonds or other debt obligations of the county or city, 2) propositions relating to the imposition of a property tax levy and 3) propositions relating to a change in the rate of an existing property tax levy, which elections are conducted within 5 years following a disaster proclamation. Allows the special election only in an area where the President or Governor has declared a disaster or emergency.

***STATUS: DIED IN THE HOUSE***

### **HOUSE FILE 2524 STREAMLINED SALES TAX UPDATE**

Makes various changes to definition in Iowa's tax code to bring Iowa into compliance with the national streamlined sales tax compact. The streamlined sales tax compact is an agreement between multiple state and the business community to streamline the way sales and use tax is collected and to collect sales tax on remote sellers that otherwise would go uncollected.

***STATUS: PASSED THE HOUSE & SENATE***

### **HOUSE FILE 2529 PENALTIES AND INTEREST WAIVER**

Waives the penalties and interest assessed to taxpayers for filing incorrect tax returns in 2008 that took . The Department of Revenue issued guidance to tax preparers in their 2008 booklet that they should file 2008 returns as if the legislature would couple with the 2008 tax changes made by Congress. As a result, many tax payers filed their 2008 returns which took deductions that were not available for state tax purposes because the legislature failed to couple in 2008.

\* This bill was not passed. However, the penalties and interest associated with Disaster Related Personal Casualty Loss Deductions was included in the Standings bill.

***STATUS: DIED IN THE HOUSE – SEE \*NOTE ABOVE***

### **HOUSE FILE 2530 SALES TAX ON MATERIALS USED IN AUTOBODY SHOPS**

Provides that paint and other consumable items purchased by an auto body shop for use in the repair of vehicles that is itemized on the invoice is not subject to sales tax by the auto body shop. The bill exempts the sales tax at the wholesale level and requires that auto body shops collect sales tax from the consumers. The additional sales tax charged to the consumer will result in approximately \$400,000 in revenue to the general fund per year.

***STATUS: DIED IN THE HOUSE***

### **SENATE FILE 2531 HOTEL & MOTEL TAX INCREASE IN STANDINGS**

The standings bill contained a provision to allow cities and counties to increase the tax rates they levy on hotel and motels. Under the proposal, cities would be able to increase their taxes from 7% to 9%. Counties would be able to increase their taxes from 7% to 8%. The provision was stripped from the FY11 Standing Appropriations Bill on the floor.

***STATUS: STIPPED FROM THE BILL ON THE HOUSE FLOOR***

### **SENATE FILE 2373 UTILITY REPLACEMENT TAX**

Relates to the Utility Replacement Tax as it relates to cogeneration facilities. The bill is a result of an issue that arose almost a year ago between the city of Clinton and (ADM) Archer Daniels Midland. Basically, the bill deals directly with the taxation of ADM's co-generation facility in Clinton. The bill was developed by the Utility Replacement Task Force. The bill was approved by the taskforce under unanimous recommendation. The issue arose because current tax code did not anticipate a facility operating in steam and electric. ADM's co-

gen facility uses substantially steam, but also operates in a portion of electric. Under current code, when operating in steam, companies are not subject to taxation by the Iowa Department of Revenue, while electric operations are taxed by the state. So the bill would alter the Code, so the co-gen plant would be assessed centrally, by the state, and locally. The Department of Revenue will determine an amount for the replacement tax, while the City Assessor's office will assess the value of the property. The amount concluded by the Department of Revenue will then be credited to the local valuation. The bill seeks to avoid double taxation to the co-gen facility.

***STATUS: PASSED HOUSE & SENATE***

### **SENATE FILE 2380 TAX CREDITS**

Creates a Tax Expenditure Review Committee composed of 5 members of the Senate and 5 members of the House responsible for evaluating all tax expenditures every 5 years and providing recommendations on changes to the programs. Creates Interim Study Committees on the Enterprise Zone Program and the 260 E Job Training Program.

Repeals the Venture Capital Fund, the Value Added Ag Products investment tax credit, and the Economic Development Revolving Loan Program. Suspends the Film Tax Credit Program until July 1, 2013.

Reduces the supplemental Research Activities Credit from 6.5% to 3% for companies that make more than \$20 million per year. Increases the supplemental Research Activities Credit from 6.5% to 10% for companies making less than \$20 million per year.

Reduces the global aggregate cap imposed on 5 tax credit programs from \$185 million to \$120 million. Programs include: The High Quality Jobs Creation Tax Credit; The Film, Television and Video Promotion Tax Credit; The extra research credit under the quality jobs enterprise zones program; The Enterprise Zone Program and the Assistive Device Tax Credit Program.

Cuts the following tax credit programs by approximately 10%: Accelerated Career Education Job Credits, Endow Iowa Charitable Contributions Credits, Historic Buildings Credits,

Cuts the Iowa Fund of Funds (venture capital investment) tax credits from \$100 million to \$60 million.

Reinstates the Iowa Death (estate) Tax contingent upon Congressional action.

***STATUS: SIGNED BY THE GOVERNOR***

### **SENATE FILE 2371 ROYALTY FEES ON DREDGING OPERATIONS**

Requires the DNR to enter issue permits for dredging along the Cedar River in a county with population more than 127,000. The permit would reduce royalty fees paid to the DNR. The new royalty fee is set at 10 cents per ton.

***STATUS: PASSED HOUSE & SENATE***

### **SENATE FILE 2387 BLOOD BANK SALES TAX EXEMPTION**

Authorizes a sales tax exemption for the sales price of equipment necessary for testing blood at a regional blood testing laboratory licensed by the FDA. The bill provides the sales tax exemption under the condition that the regional blood testing lab locates to Davenport. If it does not, than the sales tax exemption is repealed.

***STATUS: PASSED HOUSE & SENATE***