EIGHTY-THIRD GENERAL ASSEMBLY
2010 REGULAR SESSION
DAILY

HOUSE CLIP SHEET

FEBRUARY 25, 2010

HOUSE FILE 2017

H-8232

Amend **House File 2017** as follows:

1. Page 1, line 7, after <5.> by inserting <a.>

2. Page 1, lines 8 and 9 by striking <six inches toward the stern>

3. Page 1, line 12, by striking <eight> and inserting <ten>

4. Page 1, after line 13 by inserting:

<b. During the twelve-month period beginning July 1, 2010, and ending June 30, 2011, peace officers shall issue only warning citations for violations of this subsection. This paragraph is repealed July 1, 2011.>

By ZIRKELBACH of Jones

H-8232 FILED FEBRUARY 24, 2010

HOUSE FILE 2322

H-8250

Amend **House File 2322** as follows:

1. Page 1, line 27, after <to the fund.> by inserting <The fund shall not, however, consist of or receive an appropriation from the net proceeds from bonds issued pursuant to sections 12.87 and 12.90.>

2. By striking page 2, line 34, through page 3, line 2.

3. By renumbering as necessary.

By RAECKER of Polk

H-8250 FILED FEBRUARY 24, 2010

Amend House File 2324 as follows:

1. Page 1, after line 31 by inserting:

<Sec. ___. Section 459.204, Code 2009, is amended to read as follows:

459.204 Liquid manure application -- separation distance.

1. a. This subsection applies on and after the effective date of this Act and prior to December 21, 2011.

(1) Except as provided in section 459.205, a person shall not apply liquid manure from a confinement feeding operation with a confinement feeding operation structure constructed or expanded prior to May 31, 1995, on land located within one thousand five hundred feet from a residence not owned by the titleholder of the land, a commercial enterprise, a bona fide religious institution, an educational institution, or a public use area.

(2) Except as provided in section 459.205, a person shall not apply liquid manure from a confinement feeding operation with a confinement feeding operation structure constructed or expanded on or after May 31, 1995, on land located within seven hundred fifty feet from a residence not owned by the titleholder of the land, a commercial enterprise, a bona fide religious institution, an educational institution, or a public use area.

b. This subsection is repealed on December 21, 2011.

2. This subsection applies on and after December 21, 2011. Except as provided in section 459.205, a person shall not apply liquid manure from a confinement feeding operation on land located within seven hundred fifty feet from a residence not owned by the titleholder of the land, a commercial enterprise, a bona fide religious institution, an educational institution, or a public use area.>

2. Page 2, after line 27 by inserting:

<Sec. ___. Section 459.313A, subsection 1, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

During the period beginning December 21 and ending April 1, the person may apply liquid manure originating from a manure storage structure, that is part of a confinement feeding operation, on snow covered ground only when there is an emergency. During the period beginning February 1 and ending April 1, the person may apply liquid manure originating from a manure storage structure, that is part of a confinement feeding operation, on frozen ground only when there

is an emergency. An emergency occurs only when there is an immediate need to comply with section 459.311, subsection 1, due to unforeseen circumstances affecting the storage of the liquid manure. The unforeseen circumstances must be beyond the control of the owner of the confinement feeding operation, including but not limited to natural disaster, unusual weather conditions, or equipment or structural failure. An emergency does not include a situation in which a person may continue to store liquid manure within a manure storage structure that is part of the person's confinement feeding operation. A person who is authorized to apply liquid manure on snow covered ground or frozen ground when there is an emergency shall comply with all of the following:

Sec. ___. Section 459.313A, subsection 1, paragraph d, Code Supplement 2009, is amended to read as follows:

d. Any surface water drain tile intake that is on land in the owner's manure management plan and located down gradient of the application must be temporarily blocked beginning not later than the time that the liquid manure is first applied and ending not earlier than ~~two~~ three weeks after the completion of the application.>

3. Page 2, by striking lines 30 through 33 and inserting:

<NEW SUBSECTION. 4. A confinement feeding operation with all confinement feeding operation structures constructed before May 31, 1995, and not expanded on or after that date, is not required to construct or expand a manure storage structure to comply with this section until December 21, 2011.>

4. Page 2, before line 34 by inserting:

<Sec. ___. Section 459.314, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. a. This subsection applies on and after the effective date of this Act and prior to December 21, 2011.

(1) A person shall not apply liquid manure from a confinement feeding operation with a confinement feeding operation structure constructed or expanded prior to May 31, 1995, on land located within four hundred feet from a designated area, unless one of the following applies:

(a) The liquid manure is land-applied by injection or incorporation on the same date as the liquid manure was land-applied.

(b) An area of permanent vegetation cover, including filter strips and riparian forest buffers, exists for one hundred feet surrounding the designated

1 area other than an unplugged agricultural drainage well
2 or surface intake to an unplugged agricultural drainage
3 well, and the area of permanent vegetation cover is not
4 subject to manure application.
5 (c) If applied in proximity to a high-quality water
6 resource, the liquid manure is applied not less than
7 eight times the four-hundred-foot distance from the
8 designated area.
9 (2) A person shall not apply liquid manure from
10 a confinement feeding operation with a confinement
11 feeding operation structure constructed or expanded
12 on or after May 31, 1995, on land located within two
13 hundred feet from a designated area, unless one of the
14 following applies:
15 (a) The liquid manure is land-applied by injection
16 or incorporation on the same date as the liquid manure
17 was land-applied.
18 (b) An area of permanent vegetation cover,
19 including filter strips and riparian forest buffers,
20 exists for fifty feet surrounding the designated area
21 other than an unplugged agricultural drainage well or
22 surface intake to an unplugged agricultural drainage
23 well, and the area of permanent vegetation cover is not
24 subject to manure application.
25 (c) If applied in proximity to a high-quality water
26 resource, the liquid manure is applied not less than
27 four times the distance from the designated area.
28 b. This subsection is repealed on December 21,
29 2011.
30 Sec. ___. Section 459.314, subsection 2, unnumbered
31 paragraph 1, Code Supplement 2009, is amended to read
32 as follows:
33 This subsection applies on and after December 21,
34 2011. Except as otherwise provided in this subsection,
35 a person shall not apply manure on land located within
36 two hundred feet from a designated area, unless one of
37 the following applies:>
38 5. Title page, line 3, before <on> by inserting
39 <including on land and>

By KUHN of Floyd
D. OLSON of Boone

H-8247 FILED FEBRUARY 24, 2010

HOUSE FILE 2410

H-8224
1 Amend House File 2410 as follows:
2 1. Title page, line 2, after <drugs> by inserting
3 <used for the treatment of patients with epilepsy>

By WINDSCHITL of Harrison

H-8224 FILED FEBRUARY 24, 2010

HOUSE FILE 2410

H-8225

1 Amend **House File 2410** as follows:
2 1. Page 1, after line 33 by inserting:
3 <f. This subsection shall not apply to drug product
4 selection that results in the selection of a drug
5 product that is AB rated by the United States food and
6 drug administration for bioequivalence.>

By WINDSCHITL of Harrison

H-8225 FILED FEBRUARY 24, 2010

HOUSE FILE 2410

H-8226

1 Amend **House File 2410** as follows:
2 1. Page 1, after line 33 by inserting:
3 <f. An authorized prescriber under this subsection
4 shall include the patient's diagnosis on the face of
5 the prescription or shall provide the pharmacist with
6 this information if issuing the prescription in verbal
7 form.>

By WINDSCHITL of Harrison

H-8226 FILED FEBRUARY 24, 2010

HOUSE FILE 2410

H-8227

1 Amend **House File 2410** as follows:
2 1. Page 1, by striking lines 7 through 11 and
3 inserting <treatment of epilepsy, prior to providing
4 notification to the authorized prescriber.>
5 2. Page 1, by striking lines 14 through 18 and
6 inserting <verbal communication to the prescriber.>

By WINDSCHITL of Harrison

H-8227 FILED FEBRUARY 24, 2010

HOUSE FILE 2442

H-8236

Amend House File 2442 as follows:

1. Page 1, after line 28 by inserting:

<Sec. ___. Section 236.4, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. Prior to the entry of a temporary order under this section that involves a child-custody determination as defined in section 598B.102, the plaintiff shall furnish information to the court in compliance with section 598B.209.>

2. Page 1, after line 34 by inserting:

<Sec. ___. Section 236.5, subsection 1, paragraph b, subparagraph (4), Code Supplement 2009, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (d) Prior to entry of an order or agreement under this section that involves a child-custody determination as defined in section 598B.102, the parties shall furnish information to the court in compliance with section 598B.209.>

3. By striking page 3, line 31, through page 4, line 7.

4. Title page, line 1, by striking <and>

5. By renumbering as necessary.

By HUSER of Polk

H-8236 FILED FEBRUARY 24, 2010

Amend House File 2448 as follows:

1. Page 1, after line 18 by inserting:

<Sec. ___. Section 692A.101, subsection 27, Code Supplement 2009, is amended to read as follows:

27. "Sex offense" means an indictable offense for which a conviction has been entered that ~~has an element involving a sexual act, sexual contact, or sexual conduct, and which~~ is enumerated in section 692A.102, and means any comparable offense for which a conviction has been entered under prior law, or any comparable offense for which a conviction has been entered in a federal, military, or foreign court, or another jurisdiction.

Sec. ___. Section 692A.101, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 28A. "Sexually motivated" means the same as defined in section 229A.2.>

2. Page 1, by striking lines 19 through 31.

3. Page 1, before line 32 by inserting:

<Sec. ___. Section 692A.102, subsection 1, paragraph a, subparagraphs (6) and (7), Code Supplement 2009, are amended to read as follows:

(6) (a) Harassment in violation of section 708.7, subsection 1, 2, or 3, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

~~(7)~~ (b) Stalking in violation of section 708.11, except a violation of subsection 3, paragraph "b", subparagraph (3), if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(c) Any other indictable offense in violation of chapter 708 if the offense is committed against a minor and if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

Sec. ___. Section 692A.102, subsection 1, paragraph a, Code Supplement 2009, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (08) Pimping in violation of section 725.2 if the offense was committed against a minor or otherwise involves a minor and if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

NEW SUBPARAGRAPH. (008) Pandering in violation of section 725.3, subsection 2, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

NEW SUBPARAGRAPH. (0008) Any indictable offense in violation of chapter 726 if the offense is committed against a minor or otherwise involves a minor and if

a determination is made that the offense was sexually motivated pursuant to section 692A.126.

Sec. ___. Section 692A.102, subsection 1, paragraph b, Code Supplement 2009, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (015) Pandering in violation of section 725.3.>

4. Page 1, line 35, by striking <(5A).> and inserting <(06)>

5. Page 2, after line 13 by inserting:

<Sec. ___. Section 692A.113, subsection 1, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

A sex offender who has been convicted of a sex offense against a minor or a person required to register as a sex offender in another jurisdiction for an offense involving a minor shall not do any of the following:>

6. Page 2, after line 28 by inserting:

<Sec. ___. Section 692A.125, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. For an offense requiring registration due to sexual motivation, the registration requirements of section 692A.126 shall apply to a person convicted of an offense if the department makes the determination that the offense was sexually motivated as provided in section 692A.126, subsection 2.

Sec. ___. Section 692A.126, Code Supplement 2009, is amended to read as follows:

692A.126 Sexually motivated offense -- determination.

1. If a judge or jury makes a determination, beyond a reasonable doubt, that any of the following offenses for which a conviction has been entered on or after July 1, 2009, are sexually motivated, the person shall be required to register as provided in this chapter:

a. Murder in the first degree in violation of section 707.2.

b. Murder in the second degree in violation of section 707.3.

c. Voluntary manslaughter in violation of section 707.4.

d. Involuntary manslaughter in violation of section 707.5.

e. Attempt to commit murder in violation of section 707.11.

f. Harassment in violation of section 708.7, subsection 1, 2, or 3.

g. Stalking in violation of section 708.11,

subsection 3, paragraph "b", subparagraph (3).

h. Any other indictable offense in violation of chapter 708 if the offense was committed against a minor or otherwise involves a minor.

~~h.~~ i. Kidnapping in the first degree in violation of section 710.2.

~~i.~~ j. Kidnapping in the second degree in violation of section 710.3.

~~j.~~ k. Kidnapping in the third degree in violation of section 710.4.

~~k.~~ l. Child stealing in violation of section 710.5.

~~l.~~ m. Purchase or sale or attempted purchase or sale of an individual in violation of section 710.11.

~~m.~~ n. Burglary in the first degree in violation of section 713.3, subsection 1, paragraph "a", "b", or "c".

~~n.~~ o. Attempted burglary in the first degree in violation of section 713.4.

~~o.~~ p. Burglary in the second degree in violation of section 713.5.

~~p.~~ q. Attempted burglary in the second degree in violation of section 713.6.

~~q.~~ r. Burglary in the third degree in violation of section 713.6A.

~~r.~~ s. Attempted burglary in the third degree in violation of section 713.6B.

t. Pimping in violation of section 725.2 if the offense was committed against a minor or otherwise involves a minor.

u. Pandering in violation of section 725.3, subsection 2.

v. Any indictable offense in violation of chapter 726 if the offense was committed against a minor or otherwise involves a minor.

2. a. ~~If a~~ The following persons shall be required to register as provided in this chapter if the department makes a determination that the offense was sexually motivated:

(1) A person convicted of an offense in this state specified under subsection 1 prior to July 1, 2009.

(2) A person ~~is~~ convicted of an offense in another jurisdiction, or convicted of an offense that was prosecuted in a federal, military, or foreign court, prior to, on, or after July 1, 2009, that is comparable to an offense specified in subsection 1~~, the person shall be required to register as provided in this chapter if the department makes a determination that the offense was sexually motivated~~.

~~3.~~ (3) ~~If a~~ A juvenile ~~is~~ convicted of an offense

in another jurisdiction, or convicted of an offense as a juvenile in a similar juvenile court proceeding in a federal, military, or foreign court, prior to, on, or after July 1, 2009, that is comparable to an offense specified in subsection 1~~, the person shall be required to register as provided in this chapter if the department makes a determination that the offense was sexually motivated~~.

b. A determination made pursuant to this subsection shall be issued in writing and shall include a summary of the information and evidence considered in making the determination that the offense was sexually motivated.

c. The determination made by the department shall be subject to judicial review in accordance with chapter 17A.

Sec. ___. NEW SECTION. 708.14 Sexual motivation.

A person convicted of any indictable offense under this chapter shall be required to register as a sex offender pursuant to the provisions of chapter 692A, if the offense was committed against a minor and the fact finder makes a determination that the offense was sexually motivated pursuant to section 692A.126.>

7. Page 3, after line 33 by inserting:

<Sec. ___. NEW SECTION. 726.10 Sexual motivation.

A person convicted of any indictable offense under this subchapter shall be required to register as a sex offender pursuant to the provisions of chapter 692A, if the offense was committed against a minor and the fact finder makes a determination that the offense was sexually motivated pursuant to section 692A.126.>

8. Title page, lines 1 and 2, by striking <providing penalties, and> and inserting <and providing penalties and>

By BAUDLER of Adair

H-8222 FILED FEBRUARY 24, 2010

HOUSE FILE 2470

H-8228

Amend House File 2470 as follows:

1. Page 1, by striking lines 11 through 23.

2. By renumbering as necessary.

By ROBERTS of Carroll

H-8228 FILED FEBRUARY 24, 2010

HOUSE FILE 2470

H-8229

Amend the amendment, H-8169, to House File 2470 as follows:

1. Page 1, before line 2 by inserting:

<___. Page 1, by striking lines 11 through 23.>

2. By renumbering as necessary.

By ROBERTS of Carroll

H-8229 FILED FEBRUARY 24, 2010

HOUSE FILE 2474

H-8230

1 Amend House File 2474 as follows:
2 1. Page 1, after line 34 by inserting:
3 <6. Use existing public education materials that
4 educate citizens of this state about the effects of
5 high-cost loans on Iowa families and their financial
6 stability. The materials shall include and reflect,
7 among other information, data and information available
8 from the division of banking of the department of
9 commerce concerning the types of loans available to
10 citizens of this state, including but not limited to
11 the rate of use for each type of loan, the total dollar
12 cost of the loan to borrowers, the effective annual
13 percentage rate applicable to the loan, the frequency
14 of use by citizens of this state for each type of
15 loan, and the types and availability of alternatives
16 to high-cost loans. The data and information shall
17 include examples of the total cost of repayment of each
18 type of loan described, the amount paid in interest and
19 fees, and the length of time anticipated to repay each
20 type of loan.>

By PETERSEN of Polk

H-8230 FILED FEBRUARY 24, 2010

HOUSE FILE 2483

H-8234

1 Amend House File 2483 as follows:
2 1. Page 11, by striking lines 4 through 10.
3 2. By renumbering as necessary.

By HUSER of Polk

H-8234 FILED FEBRUARY 24, 2010

HOUSE FILE 2483

H-8235

1 Amend House File 2483 as follows:
2 1. By striking page 10, line 10, through page 11,
3 line 3.
4 2. By renumbering as necessary.

By HUSER of Polk

H-8235 FILED FEBRUARY 24, 2010

HOUSE FILE 2484

H-8246

Amend House File 2484 as follows:

1. By striking page 1, line 3, through page 2, line 10, and inserting:

<1. A dock in a boat harbor located on the Cedar river in a city with a population of more than one hundred twenty-five thousand located in a county with a population of more than two hundred thousand is exempt from all dock requirements of the department of natural resources if the dock is in compliance with local city regulations for a dock in such a boat harbor except as provided in subsection 2.

2. A dock in a boat harbor located on the Cedar river in a city with a population of more than one hundred twenty-five thousand located in a county with a population of more than two hundred thousand that meets the requirements of subsection 1 and that uses containers as dock flotation devices that were not originally manufactured as dock flotation devices, may continue to use such containers as dock flotation devices if the containers were in use on or before the effective date of this Act. At the time that such containers are replaced, the replacement dock flotation devices shall be dock flotation devices that comply with the rules of the department of natural resources. However, if the ownership of the dock is transferred, the new owner shall have six months from the date of transfer to replace such containers with dock flotation devices that comply with the rules of the department of natural resources.

Sec. ___. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.>

2. Title page, lines 2 and 3, by striking <and retroactive applicability>

By RUNNING-MARQUARDT of Linn

H-8246 FILED FEBRUARY 24, 2010

1 Amend House File 2508 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. NEW SECTION. 100.17 Carbon monoxide
4 detectors.
5 1. As used in this section:
6 a. "Carbon monoxide detector" means a device which
7 detects carbon monoxide and which incorporates control
8 equipment and an alarm-sounding unit operated from a
9 power supply either in the unit or obtained at the
10 point of installation. A "carbon monoxide detector"
11 may include a device that also meets the definition of
12 a smoke detector under section 100.18, if the device
13 produces a distinct audible alarm for each type of
14 hazard.
15 b. "Dormitory" means the same as defined in section
16 100.18.
17 c. "Fossil fuel" means coal, kerosene, oil,
18 wood, fuel gases, or other petroleum or hydrocarbon
19 products that emit carbon monoxide as a by-product of
20 combustion.
21 d. "Multiple-unit residential dwelling" means a
22 residential building, an apartment house, or a portion
23 of a building or an apartment house with two or more
24 dwelling units. "Multiple-unit residential dwelling"
25 does not include a hotel, motel, dormitory, or rooming
26 house.
27 2. a. A multiple-unit residential dwelling
28 containing a fossil fuel heater, fossil fuel furnace,
29 fossil fuel appliance, fossil fuel fireplace, or an
30 attached garage shall have approved carbon monoxide
31 detectors installed in each dwelling unit according
32 to the requirements of this section and the rules
33 established by the state fire marshal under subsection
34 3.
35 b. A single-family dwelling containing a fossil
36 fuel heater, fossil fuel furnace, fossil fuel
37 appliance, fossil fuel fireplace, or an attached garage
38 shall have approved carbon monoxide detectors installed
39 according to the requirements of this section and the
40 rules established by the state fire marshal under
41 subsection 3.
42 c. Carbon monoxide detectors required under
43 paragraph "a" or "b" shall be installed in the
44 immediate vicinity of the sleeping area of the
45 dwelling.
46 3. a. The state fire marshal shall adopt rules
47 under chapter 17A concerning the placement of carbon
48 monoxide detectors and the use of acceptable carbon
49 monoxide detectors.
50 b. This section does not prohibit a county or city

from adopting carbon monoxide detector requirements that are more stringent than those in this section.

4. a. The owner of a single-family dwelling or multiple-unit residential dwelling that is used as a rental property and subject to the requirements of subsection 2, shall do all of the following:

(1) Provide and install one approved carbon monoxide detector within each dwelling or dwelling unit located in the immediate vicinity of the sleeping area of the dwelling or dwelling unit.

(2) Replace any carbon monoxide detector that has been stolen, removed, or rendered inoperable prior to the commencement of a tenancy, unless the carbon monoxide detector was replaced by the previous tenant.

(3) Ensure that all batteries required for operation of the carbon monoxide detector are replaced prior to the commencement of a tenancy.

b. Except as required under paragraph "a", an owner of a single-family dwelling or multiple-unit residential dwelling that is used as a rental property and subject to the requirements of subsection 2, is not required to maintain, repair, or replace a carbon monoxide detector, including the replacement of batteries, if applicable.

5. In lieu of the carbon monoxide detector installation requirements under subsections 2 and 4, the owner of a multiple-unit residential dwelling that is used as a rental property and that is otherwise subject to the requirements of subsection 2, may install an approved carbon monoxide detector not less than ten feet and not more than twenty-five feet from each centralized fossil fuel heater, fossil fuel furnace, fossil fuel appliance, or fossil fuel fireplace if the carbon monoxide detector is able to produce an alarm to alert all residents of the multiple-unit residential dwelling of a hazard. However, this subsection shall not relieve the owner of the installation requirements under subsections 2 and 4 for any dwelling unit in the multiple-unit residential dwelling that also contains an attached garage or a fossil fuel heater, fossil fuel furnace, fossil fuel appliance, or fossil fuel fireplace that is not centralized.

6. A lessee or tenant of a single-family dwelling or multiple-unit residential dwelling that is used as a rental property and subject to the requirements of subsection 2 shall do all of the following:

a. Test and maintain the carbon monoxide detector in good repair.

b. Replace batteries as needed.

1 c. Replace a carbon monoxide detector that is
2 stolen, removed, or rendered inoperable during the
3 lessee or tenant's tenancy.
4 d. Notify the owner of the single-family dwelling
5 or multiple-unit residential dwelling or the owner's
6 authorized agent in writing if the lessee or tenant is
7 unable to correct a deficiency related to the carbon
8 monoxide detector.
9 7. A person shall not render inoperable a carbon
10 monoxide detector that is required to be installed
11 under this section, unless the person is replacing
12 the batteries in the carbon monoxide detector or
13 inspecting, maintaining, or repairing the carbon
14 monoxide detector.
15 8. a. A person who files for a homestead tax
16 credit pursuant to chapter 425 shall certify that the
17 single-family dwelling for which the credit is filed
18 has a carbon monoxide detector installed in compliance
19 with this section, or that one will be installed within
20 thirty days of the date the filing for the credit is
21 made.
22 b. Each property tax statement delivered under
23 section 445.5 for property subject to the requirements
24 of this section shall include information relating to
25 the applicable carbon monoxide requirements.>
26 2. Page 1, after line 18 by inserting:
27 <Sec. ___. Section 445.5, Code 2009, is amended by
28 adding the following new subsection:
29 NEW SUBSECTION. 1A. For each parcel that is
30 subject to the carbon monoxide detector requirements
31 under section 100.17, the treasurer shall include
32 written information relating to the applicable
33 carbon monoxide detector requirements along with each
34 statement mailed under subsection 1.
35 Sec. ___. EFFECTIVE DATE. The sections of this Act
36 enacting section 100.17 and amending section 445.5 take
37 effect July 1, 2013.>
38 3. Page 1, line 19, by striking <This Act> and
39 inserting <The sections of this Act amending sections
40 331.304 and 364.17>
41 4. Page 1, line 20, by striking <takes> and
42 inserting <take>
43 5. Title page, line 1, after <to> by inserting
44 <residential dwelling safety devices by requiring
45 carbon monoxide detectors in certain dwellings and
46 establishing requirements for>
47 6. By renumbering as necessary.

By BURT of Black Hawk

H-8239 FILED FEBRUARY 24, 2010

SENATE FILE 2067

H-8233

1 Amend **Senate File 2067**, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, lines 23 and 24, by striking
4 <subsections 5 and 9, Code Supplement 2009, are> and
5 inserting <subsection 5, Code Supplement 2009, is>
6 2. Page 2, by striking lines 3 through 11.

By WILLEMS of Linn

H-8233 FILED FEBRUARY 24, 2010

SENATE FILE 2226

H-8223

1 Amend **Senate File 2226**, as passed by the Senate, as
2 follows:
3 1. Page 2, after line 13 by inserting:
4 <1A. Upon the filing of an application or petition,
5 the court shall appoint a guardian ad litem to
6 represent the best interests of the child.>
7 2. Page 3, line 14, after <child> by inserting <and
8 assigning visitation to the specified family member
9 will provide the child the opportunity to maintain an
10 ongoing family relationship that is important to the
11 child>
12 3. Page 3, line 20, after <parent> by inserting
13 <whose visitation rights are temporarily assigned>
14 4. By renumbering as necessary.

By GAYMAN of Scott

H-8223 FILED FEBRUARY 24, 2010

Amend Senate File 2288, as amended, passed, and reprinted by the Senate, as follows:

1. Page 6, after line 12 by inserting:

<Sec. ___. Section 257.17, Code 2009, is amended to read as follows:

257.17 Aid reduction for early school starts.

State aid payments made pursuant to section 257.16 for a fiscal year shall be reduced by one one-hundred-eightieth for each day of that fiscal year for which the school district begins school before the earliest starting date specified in section 279.10, subsection 1. However, this section does not apply to a school district that has received approval from the ~~director of the~~ department of education ~~under section 279.10, subsection 4, to commence classes for regularly established elementary and secondary schools in advance of the starting date established in~~ for a pilot program for an innovative school year in accordance with section 279.10, subsection ~~1~~ 3.>

2. Page 9, after line 10 by inserting:

<Sec. ___. Section 279.10, subsections 1 and 2, Code 2009, are amended to read as follows:

1. The school year shall begin on the first day of July and each regularly established elementary and secondary school shall begin no sooner than ~~a day during the calendar week in which the first day of September falls~~ the fourth Monday in August but no later than the first Monday in December~~. However, if the first day of September falls on a Sunday, school may begin on a day during the calendar week which immediately precedes the first day of September~~ unless the school district has received approval from the department of education for a pilot program for an innovative school year in accordance with subsection 3. School shall continue for at least one hundred eighty days, except as provided in subsection 3, and may be maintained during the entire calendar year. However, if the board of directors of a district extends the school calendar because inclement weather caused the district to temporarily close school during the regular school calendar, the district may excuse a graduating senior who has met district or school requirements for graduation from attendance during the extended school calendar. A school corporation may begin employment of personnel for in-service training and development purposes before the date to begin elementary and secondary school.

2. The board of directors shall hold a public hearing on any ~~proposal~~ request made pursuant to subsection 3 prior to submitting it to the department

of education for approval.
Sec. ___. Section 279.10, subsection 4, Code 2009, is amended by striking the subsection. >>
3. Page 10, line 5, by striking <subsection 2, Code 2009, is> and inserting <subsections 1 and 2, Code 2009, are>
4. Page 10, after line 6 by inserting:
<1. The board of directors of each public school district and the authorities in charge of each nonpublic school shall prescribe the minimum educational program and an attendance policy which shall require each child to attend school for at least one hundred forty-eight days, to be met by attendance for at least thirty-seven days each school quarter, for the schools under their jurisdictions. Each public school and nonpublic school shall comply with the start date and school calendar requirements specified in section 279.10, subsection 1.>
5. Page 23, after line 13 by inserting:
<Sec. ___. EFFECTIVE DATES. The provisions of the sections of this Act amending section 257.17, section 279.10, subsections 1 and 2, section 279.10, subsection 4, and section 280.3, subsection 1, take effect July 1, 2011, and are applicable for school years beginning on or after that date.>
6. Title page, line 2, after <boards> by inserting <and including effective date and applicability provisions>
7. By renumbering as necessary.

By MAY of Dickinson

H-8240 FILED FEBRUARY 24, 2010

SENATE FILE 2288

H-8241

1 Amend Senate File 2288, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 10, after line 4 by inserting:
4 <Sec. ___. Section 279.46, Code 2009, is amended to
5 read as follows:
6 279.46 Retirement incentives -- tax.
7 1. The board of directors of a school district
8 may adopt a program for payment of a monetary bonus,
9 continuation of health or medical insurance coverage,
10 or other incentives for encouraging its employees to
11 retire before the normal retirement date as defined
12 in chapter 97B. The program is available only to
13 employees who notify the board of directors prior
14 to April 1 of the fiscal year that they intend to
15 retire not later than the start of the next following
16 school calendar. The age at which employees shall be
17 designated eligible for the program shall be at the
18 discretion of the board.
19 2. An employee retiring under this section may
20 apply for a retirement allowance under chapter 97B or
21 chapter 294.
22 3. A school district shall not offer permanent
23 part-time employment, permanent full-time employment,
24 temporary employment, or retention as an independent
25 contractor to an employee retiring under a program
26 adopted pursuant to subsection 1. However, the
27 school district may offer the employee employment as a
28 substitute teacher.
29 4. The board may include in the district management
30 levy an amount to pay the total estimated accumulated
31 cost to the school district of the health or medical
32 insurance coverage, bonus, or other incentives for
33 employees within the age range of fifty-five to
34 sixty-five years of age who retire under this section.>
35 2. By renumbering as necessary.

By SCHULTE of Linn

H-8241 FILED FEBRUARY 24, 2010

SENATE FILE 2288

H-8242

1 Amend **Senate File 2288**, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, before line 1 by inserting:
4 <DIVISION ___
5 GENERAL PROVISIONS>
6 2. Page 23, after line 13 by inserting:
7 <DIVISION ___
8 MARKET FACTOR TEACHER INCENTIVES
9 Sec. ___. MARKET FACTOR TEACHER INCENTIVES --
10 FUNDS TRANSFER. Notwithstanding any provisions to the
11 contrary, any remaining allocations paid to a school
12 district for market factor teacher incentives pursuant
13 to section 284.11, Code Supplement 2007, prior to the
14 school budget year beginning July 1, 2009, and which
15 are maintained in a separate listing within a school
16 district's budget shall be transferred by the district
17 into the school district's general fund to be used for
18 general fund purposes beginning with school budget
19 years beginning on or after July 1, 2009.
20 Sec. ___. EFFECTIVE UPON ENACTMENT. This division
21 of this Act, being deemed of immediate importance,
22 takes effect upon enactment.>
23 3. Title page, line 2, after <boards> by inserting
24 <, and including effective date provisions>
25 4. By renumbering as necessary.

By PETTENGILL of Benton

H-8242 FILED FEBRUARY 24, 2010

1 Amend Senate File 2288, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 5, after line 7 by inserting:
4 <Sec. ___. NEW SECTION. 256F.14 Innovative charter
5 schools.
6 1. The board of directors of a school district, the
7 administrators of an accredited nonpublic school, the
8 board of directors of a community college, the state
9 board of regents, an accredited private institution
10 as defined in section 261.9, or a private nonprofit
11 corporation organized under chapter 504 may submit
12 an application to the state board to establish an
13 innovative charter school. The state board shall
14 adopt rules specifying the criteria for approval of
15 innovative charter schools. The department shall
16 develop an application process. The applicant shall
17 specify in its application all of the following:
18 a. Mission and instructional focus of the school.
19 b. Organizational structure and management of the
20 school.
21 c. Impact of labor agreements and contracts on the
22 success of the school.
23 d. Roles and responsibilities of all involved
24 constituencies.
25 e. Arrangements for special needs students.
26 f. Connection of the school to the school district.
27 g. Facility and operation costs.
28 h. Methods for measuring results, including but not
29 limited to student achievement results.
30 2. For purposes of this section, "innovative charter
31 school" means a school that is nonsectarian in its
32 program, admission policies, employment practices, and
33 all other operations. The school is a public school
34 and is part of the state's system of public education.
35 The primary focus of an innovative charter school shall
36 be to provide a comprehensive program of instruction
37 for at least one grade or age group from five through
38 eighteen years of age. Innovative charter schools
39 may be designed to allow significant autonomy to the
40 schools. However, innovative charter schools shall be
41 accountable for significant results.
42 3. Except as provided in this subsection,
43 innovative charter schools are exempt from all statutes
44 and rules applicable to a school, a school board, or a
45 school district, although an innovative charter school
46 may elect to comply with one or more provisions of
47 statute or rule. However, an innovative charter school
48 shall meet all applicable state and local health and
49 safety requirements; an innovative charter school shall
50 be organized and operated as a nonprofit corporation

1 under chapter 504; the provisions of chapters 21
2 and 22 shall apply to meetings and records of an
3 innovative charter school board; and an innovative
4 charter school is subject to and shall comply with
5 chapters 216 and 216A relating to civil and human
6 rights, and sections 275.55A, 279.9A, 280.17B, 280.21B,
7 and 282.4, relating to suspension and expulsion of a
8 student. The innovative charter school shall employ or
9 contract with necessary teachers, as defined in section
10 272.1, who hold a valid license with an endorsement
11 for the type of service for which the teacher is
12 employed. Innovative charter schools are subject
13 to the same financial audits, audit procedures, and
14 audit requirements as a school district. The audits
15 shall be consistent with the requirements of sections
16 11.6, 11.14, 11.19, 256.9, subsection 19, and section
17 279.29, except to the extent deviations are necessary
18 because of the program at the school. The department,
19 auditor of state, or the legislative services agency
20 may conduct financial, program, or compliance audits.
21 The provisions of chapter 20 shall not apply to the
22 board of directors of an innovative charter school or
23 its employees.
24 4. A student enrolled in an innovative charter
25 school shall be counted, for state school foundation
26 aid purposes, in the student's district of residence.
27 A student's residence, for purposes of this section,
28 means a residence under section 282.1. The board of
29 directors of the district of residence shall pay to the
30 innovative charter school the state cost per pupil for
31 the previous school year, plus any moneys received for
32 the student as a result of the non-English speaking
33 weighting under section 280.4, subsection 3, for the
34 previous school year multiplied by the state cost per
35 pupil for the previous year.>
36 2. Title page, line 2, after <education> by
37 inserting <, innovative charter schools,>
38 3. By renumbering as necessary.

By MAY of Dickinson
DOLECHECK of Ringgold
CHAMBERS of O'Brien
RAECKER of Polk
TYMESON of Madison

H-8243 FILED FEBRUARY 24, 2010

SENATE FILE 2288

H-8244

1 Amend **Senate File 2288**, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 23, before line 1 by inserting:
4 <Sec. ___. Section 256.9, subsection 60, paragraph
5 b, as enacted by 2010 Iowa Acts, **Senate File 2033**,
6 section 1, is amended by striking the paragraph.>
7 2. By renumbering as necessary.

By MAY of Dickinson
DOLECHECK of Ringgold
CHAMBERS of O'Brien
RAECKER of Polk
TYMESON of Madison

H-8244 FILED FEBRUARY 24, 2010

SENATE FILE 2288

H-8245

1 Amend **Senate File 2288**, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, after line 2 by inserting:
4 <Sec. ___. Section 256.9, Code Supplement 2009, is
5 amended by adding the following new subsection:
6 NEW SUBSECTION. 59. Prepare and submit to the
7 general assembly on or before January 10, 2010, a
8 report on state and federal mandated requirements
9 with which school districts must comply. For each
10 succeeding fiscal year, the report shall be updated,
11 and the updated report shall be submitted to the
12 general assembly on or before January 10.>
13 2. By renumbering as necessary.

By UPMEYER of Hancock

H-8245 FILED FEBRUARY 24, 2010

1 Amend Senate File 2288, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, after line 16 by inserting:
4 <Sec. ___. Section 256.7, Code Supplement 2009, is
5 amended by adding the following new subsection:
6 NEW SUBSECTION. 30. Adopt rules by July 1, 2011,
7 to require school districts and accredited nonpublic
8 schools to administer, beginning not later than the
9 2015-2016 school year, a statewide comprehensive
10 exit examination, developed by the director pursuant
11 to section 256.9, subsection 59, to students as a
12 condition of graduation. The rules shall provide for
13 alternative pathways to graduation and for a timeline
14 for the administration of the exit examinations by
15 school districts and accredited nonpublic schools, and
16 shall direct school districts and schools to allow a
17 student to take the exit examination if the student
18 or the student's parent or guardian submits a written
19 request to the school district or school.>
20 2. Page 4, after line 2 by inserting:
21 <Sec. ___. Section 256.9, Code Supplement 2009, is
22 amended by adding the following new subsection:
23 NEW SUBSECTION. 59. a. Develop a statewide
24 comprehensive exit examination aligned with the core
25 curriculum and the core content standards adopted
26 pursuant to section 256.7, subsections 26 and 28,
27 alternative pathways to graduation, and alternative
28 assessment measures for students with special
29 needs, including but not limited to students with
30 disabilities, English language learners, and general
31 education students who can otherwise demonstrate
32 mastery of high school level curriculum and knowledge
33 using an alternative assessment measure.
34 b. (1) In developing a statewide comprehensive
35 examination, alternative pathways to graduation,
36 and alternative assessment measures, the director
37 shall convene a task force to identify best practices
38 for the adoption of a statewide comprehensive exit
39 examination and determine the levels of support
40 necessary to prepare teachers and students for the
41 assessments and examination. The task force shall
42 review the statewide comprehensive exit examination
43 requirements of other states and the advantages and
44 disadvantages other states have realized in developing,
45 implementing, and administering statewide comprehensive
46 exit examinations, alternative graduation pathways, and
47 alternative assessments, including but not limited to
48 the costs of preparing teachers and students for the
49 examinations. The task force shall also identify the
50 purposes and goals other states have established in

1 regard to the comprehensive exit examinations. The
2 task force shall be comprised of kindergarten through
3 grade sixteen education stakeholders. The task force
4 shall submit its findings and recommendations in a
5 report to the state board of education, the governor,
6 and the general assembly on or before January 17, 2011.
7 (2) This paragraph "b" is repealed on July 1,
8 2011.>
9 3. By renumbering as necessary.

By MAY of Dickinson

H-8248 FILED FEBRUARY 24, 2010

SENATE FILE 2288

H-8249

1 Amend Senate File 2288, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 7, after line 27 by inserting:
4 <Sec. ___. Section 272.2, Code Supplement 2009, is
5 amended by adding the following new subsection:
6 NEW SUBSECTION. 19. Adopt rules that require any
7 applicant for a teacher license or for renewal of a
8 teacher license to take the praxis II principles of
9 learning and teaching test for the appropriate grade
10 level and a praxis II teaching foundations test in the
11 appropriate subject area. If the applicant is applying
12 for an Iowa endorsement, the board shall require the
13 applicant to take a praxis II subject assessment for
14 each endorsement the applicant seeks. However, the
15 rules shall provide that the applicant is exempt from
16 the testing requirements of this subsection if the
17 applicant provides the board with evidence that the
18 applicant has taken the appropriate praxis II tests and
19 the applicant's scores on the tests meet or exceed the
20 qualifying scores approved by the board.>
21 2. Title page, line 2, after <boards> by inserting
22 <and to testing requirements for applicants for teacher
23 licensure or endorsement>

By MAY of Dickinson

H-8249 FILED FEBRUARY 24, 2010

SENATE FILE 2291

H-8231

1 Amend Senate File 2291, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 19, after <ethnicity,> by inserting
4 <electronically>

By SWEENEY of Hardin

H-8231 FILED FEBRUARY 24, 2010

SENATE FILE 2345

H-8237

1 Amend **Senate File 2345**, as passed by the Senate, as
2 follows:
3 1. Page 4, after line 9 by inserting:
4 <Sec. ___. Section 633.20, subsection 3, Code 2009,
5 is amended to read as follows:
6 3. A person appointed as an associate probate
7 judge shall have jurisdiction to audit accounts of
8 fiduciaries and to perform ministerial duties as
9 a referee provided in this section and shall have
10 additional jurisdiction to perform the judicial
11 functions ~~as the court prescribes~~ provided in section
12 633.20D.
13 Sec. ___. NEW SECTION. 633.20D Associate probate
14 judge -- jurisdiction -- appeals.
15 1. An associate probate judge shall have
16 the same jurisdiction to conduct probate court
17 proceedings, to issue no-contact or protective orders,
18 injunctions, contempt orders for adults in probate
19 court proceedings, and to issue orders, findings, and
20 decisions as the judge of the probate court. However,
21 the chief judge may limit the exercise of probate court
22 jurisdiction by the associate probate judge.
23 2. The parties to a proceeding heard by an
24 associate probate judge are entitled to appeal the
25 order, finding, or decision of an associate probate
26 judge, in the manner of an appeal from orders,
27 findings, or decisions of district court judges. An
28 appeal does not automatically stay the order, finding,
29 or decision of an associate probate judge.>
30 2. By renumbering as necessary.

By HUSER of Polk

H-8237 FILED FEBRUARY 24, 2010

SENATE FILE 2345

H-8238

1 Amend **Senate File 2345**, as passed by the Senate, as
2 follows:
3 1. Page 4, after line 9 by inserting:
4 <Sec. ___. Section 665.7, Code 2009, is amended to
5 read as follows:
6 665.7 Notice to show cause.
7 Before punishing for contempt, unless the offender
8 is already in the presence of the court, the offender
9 must be served personally with ~~a rule~~ an order to
10 show cause against the punishment, and a reasonable
11 time given the offender therefor; or the offender may
12 be brought before the court forthwith, or on a given
13 day, by warrant, if necessary. In either case the
14 offender may, at the offender's option, make a written
15 explanation of the offender's conduct under oath, which
16 must be filed and preserved.>
17 2. By renumbering as necessary.

By HUSER of Polk

H-8238 FILED FEBRUARY 24, 2010

LEGISLATIVE SERVICES AGENCY

Serving the Iowa Legislature

Fiscal Note

Fiscal Services Division

HF 2329 – Medication Therapy Management Insurance Coverage (LSB 5295HV)
Analyst: Joseph Brandstatter (Phone: 515-281-8223) (joseph.brandstatter@legis.state.ia.us)
Fiscal Note Version – New
Requested by Representative Beth Wessel-Kroeschell

Description

House File 2329 relates to Medication Therapy Management and provides that a health insurance contract, policy, or plan providing for third-party payment or prepayment which includes coverage of health and medical expenses that include pharmaceutical benefits shall provide Medication Therapy Management. Medication Therapy Management is defined as a systematic process performed by a licensed pharmacist, designed to optimize therapeutic outcomes through improved medication use and reduce risk of adverse drug events. A fee will be established for physician reimbursement for medication management therapy. The Board of Pharmacy will adopt rules for the regulation of Medication Therapy Management.

Medication Therapy Management must be offered to:

- An individual taking four or more prescription drugs to treat two or more chronic conditions.
- An individual with a prescription drug therapy problem referred by the prescribing physician.
- An individual that meets other criteria established by the third-party payment provider.

Background

Under current Iowa Medicaid law, Medication Therapy Management is offered to individuals meeting similar criteria. No fee for physician reimbursement is required under Iowa Medicaid law. The State has 799 members and 32 participating pharmacies and costs $73,000 annually.

Assumptions

- The basis for the payment is consistent with similar programs used by Wellmark Blue Cross and Blue Shield for a portion of their Medicare Advantage members.
- The Board of Pharmacy will adopt rules with current staffing levels.

Fiscal Impact

The Department of Administrative Services administers the State employee health plan offered by Wellmark Blue Cross and Blue Shield and has indicated that the State share of premiums would increase 0.03% to 0.05% or $100,000 to $167,000.

The Board of Regents administers health plans to Regents employees offered by Wellmark Blue Cross and Blue Shield and has indicated that premiums would increase 0.03% to 0.05% or $114,000 to $190,000.

The total estimated impact to the General Fund for FY 2011 is $214,000 to $357,000 and subsequent fiscal years.

Sources

Department of Administrative Services, Board of Regents, Department of Human Services, Legislative Services Agency

/s/ Holly M. Lyons

February 24, 2010

The fiscal note for this bill was prepared pursuant to **Joint Rule 17**. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

LEGISLATIVE SERVICES AGENCY

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Fiscal Note

Fiscal Services Division

HF 2421 – Prevailing Wage (LSB1573HV)
Analyst: Douglas Wulf (Phone: 515-281-3250) (douglas.wulf@legis.state.ia.us)
Fiscal Note Version – New

Description

House File 2421 requires a contractor to pay workers the same hourly wage plus fringe benefits for a public improvement as the contractor would pay workers for a private construction or improvement project. The Bill allows the hourly wage rate to be based on what is normally paid in the area by contractors for similar projects, and to be adjusted on an annual basis by the Iowa Department of Workforce Development (IWD). Contractors are prohibited from paying less than the established prevailing wage. The Bill also requires contractors to provide certain fringe benefits such as health insurance, retirement benefits, and costs of apprenticeship programs. Contractors cannot include deductions for food, sleeping quarters, use of tools, or safety equipment. The Bill includes a project threshold of $100,000 before prevailing wage is required.

The Bill allows a political subdivision to choose not to require prevailing wage rates to be paid for a particular public improvement by adopting a resolution. Notice of such a resolution must be posted prior to letting a public improvement for bids.

The Iowa Labor Commissioner determines the wage rates for specific geographical areas and for specific crafts, classifications, and types of workers. This information must be posted on the IWD website. In determining the wage rate for a worker, the Commissioner may consult collective bargaining agreements, wage rate determinations for federal projects in the same area, and other information the IWD receives from contractors that participate in an apprenticeship program approved by the Federal Bureau of Apprenticeship and Training. The wage rate must be included in all bids on public projects, and the bid must include the wage rate to be paid for each craft, classification, and type of worker.

The Bill establishes an administrative process for appeal of the IWD established prevailing wage. Appeal of a decision by the IWD will be heard by an Administrative Law Judge of the Department of Inspections and Appeals and is subject to Judicial Review. The Bill also creates a serious misdemeanor for attempting to force a worker to give up any portion of the compensation received for a public improvement project by threatening not to hire, or terminate employment of, the worker.

Contractors and subcontractors are required to retain accurate records of all workers employed on a public improvement project. Contractors are also required to post the wage rates for each type of worker at an accessible location at the site of a public improvement. Additionally, the Bill establishes fines and creates a new serious misdemeanor for contractors and subcontractors not complying with the requirements of the Bill.

The Bill allows the Commissioner to adopt emergency rules to implement the Bill and specifies the Commissioner may use the federal Davis-Bacon Act rates until the determination of prevailing wage rates is accomplished.

Assumptions

Correctional and Fiscal Information

- This Bill could potentially affect the salaries paid to construction workers on most public projects. While the exact dollar amount is not known, it could cost the State, local governments, and school districts 5.0% - 20.0% more for labor costs on construction projects. If a city, county or school board elects to opt out of paying the prevailing wage on a project there would be no increase in project cost related to prevailing requirements. This range was developed based on the information provided by the following entities:

Entity Reporting	Estimated increase in labor or project costs
Iowa State Association of Counties	Could not estimate this year, but had estimated 10.0% - 20.0% increase in project costs in past years.
Board of Regents)	10.0% increase in project costs.
Iowa Association of School Boards	Could not estimate this year, but had estimated 10.0% increase in labor costs in past years.
Department of Transportation	1.0% increase on federal aid projects and 5.0% on nonfederal aid projects,
Dept. of Administrative Services	Did not submit an estimate.
Community Colleges	Did not submit an estimate
League of Cities	Did not submit an estimate.

- Typically, labor comprises 25.0% – 40.0% of construction contracts. If the total project cost was $100,000 and of that amount, labor costs $25,000, and prevailing wage increased the labor costs 5.0% -20.0% ($1,250 - $5,000), this would result in an increased contract cost of 1.25% - 5.0%.
- A review of studies in other states indicates a wide variation in estimated labor cost increases, ranging from no effect (Indiana study 1990) to an increase in costs of 20.0% (Kentucky study 2006). The Congressional Budget Office has estimated that the repeal of the Davis-Bacon Act would save an estimated 1.7% in construction costs.
- The IWD estimates a need for 3.5 FTE positions to administer the requirements of the prevailing wage law. The IWD estimates an additional cost to the General Fund of $467,000 in FY 2011 and $357,000 in FY 2012. Of this total cost, salaries are estimated at $232,000 for FY 2011 and FY 2012.
- The Board of Regents estimates a need for $315,000 and 3.0 FTE positions (one at each University) for FY 2011 and $313,000 in FY 2012 to administer the provisions of this Bill. Of that amount the State General Fund share would vary by University from 40.8% at the University of Iowa to 53.8% at the University of Northern Iowa. At 45.0% the cost to the State General Fund would be $142,000 in FY2011 and $141,000 in FY 2012 with most of the remaining costs paid for with tuition funds.
- The Department of Transportation estimates a need for 3.5 FTE positions for a cost to the Road Use Tax Fund of $275,000 for salary and support in FY2011 and FY 2012.
- Other Departments may have need of additional staff, but did not report.
- There would be minimal appeals of the prevailing wage determined by IWD for a project. Surrounding states have had only one or two per year resulting in minimal costs.
- All government bodies involved with a public improvement project will monitor the project to ensure that the prevailing wage is being paid, and that contractors and subcontractors are meeting all the requirements of the Bill.
- It is not possible to determine the number of political subdivisions that would use the opt-out provision established in the Bill or the number of projects that would not have to pay the prevailing wage.
- Construction wages for projects, especially in rural areas, will likely increase due to the Bill. Studies indicate that urban areas experience smaller impacts than rural areas.
- Wage increases will also result in an increase in income tax and sales tax.

- The annual number of vertical infrastructure projects is approximately 1,000 and the number of civil road, building, and utility projects approximately 2,000.
- Contractor and subcontractor costs will increase due to the amount of reporting and maintenance of records required under the Bill.
- According to the University of Missouri-Kansas City, only 55.0% of workers in the construction industry have access to health insurance. The IWD data shows that approximately 69,000 Iowans are employed in construction, with approximately 31,000 potentially without access to insurance.
- The Bill takes effect on enactment and due to the normal lag in the time it takes to hire staff it is unlikely that Departments would have expenses in FY 2010.
- The Bill provides language that notwithstands Code Section 25B.3 and effectively nullifies the application of a State mandate.

Summary of Impacts

Correctional Impact: The average State cost for one serious misdemeanor conviction ranges from $200 (court costs) to $7,900 (court costs including a jury, indigent defense, and prison). The maximum costs will be incurred across multiple fiscal years while the offender is supervised in the correctional system, either in prison or the community. According to the Missouri Department of Labor and Industrial Relations in FY 2009 there were 2,265 public projects reported to the Department with a total of 315 complaints and only 126 founded violations. Multiple complaints and findings may have been against the same contractor or subcontractor, but that information was not available. Additionally, only one project had significant enough violations to warrant legal action to bar the contractor from participating in public projects. It is unknown how many contractors and subcontractors will violate Iowa's law.

Fiscal Impact

Total cost to the State General Fund is estimated at $609,000 in FY 2011 and $498,000 in FY 2012 to fund costs estimated by the IWD and the Board of Regents. Other potential costs, revenues, and savings are possible, but cannot be estimated. Specifics include:

- The current Bill does allow cities, counties and school boards to opt out of paying prevailing wage on a project however it is impossible to know if any will. In past years, construction cost estimates provided by the Iowa State Association of Counties, the Iowa Association of School Boards, the Department of Transportation and the Board of Regents indicated a median cost increase estimate of 5.0% to 20.0% for projects as a result of prevailing wage requirements. Studies from other States have shown a range from no impact to a 20.0% increase. The LSA does not have copies of the contracts and therefore cannot identify the wage rates paid on the various contracts, so no analysis has been conducted to determine the likely actual cost increases.
- All public entities with a public improvement project (unless officially opting out of requiring prevailing wage rates) will have related costs of monitoring contractor and subcontractor wage payments and other required activities. Some may be able to absorb these with current staff. However, if multiple projects are in process by a public body, additional staff may be required.
- In 2007 the Master Builders of Iowa estimated that for each public contract the administrative costs to the contractors and subcontractors would be approximately $17,000. For contractors that participate in contracts covered by the Davis-Bacon Act, the increased amount may be less as similar record keeping is already required and they would have the process already in place to handle it. This may result in a need for additional staff for some contractors.
- The increase to income tax and sales tax receipts due to increased wages cannot be estimated.
- If Iowans working in the construction industry receive health insurance because of working on a project requiring prevailing wage, or decide to purchase health insurance, the State may see some savings in the cost of providing services to the uninsured.

Sources

LEGISLATIVE SERVICES AGENCY

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Fiscal Note

Fiscal Services Division

Department of Workforce Development
Department of Inspections and Appeals
Department of Education
Board of Regents
Iowa State Association of Counties
Department of Public Safety
Department of Administrative Services
Iowa State Association of School Boards
Department of Corrections
Department of Transportation
Criminal and Juvenile Justice Planning Division
University of Missouri-Kansas City
Iowa Association of Community College Trustees

/s/ Holly M. Lyons

February 24, 2010

The fiscal note for this bill was prepared pursuant to Joint Rule 17 and the correctional and minority impact statements were prepared pursuant to Code Section 2.56. Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.

H-8116 to HF 2421 – Prevailing Wage (LSB1573HV.1)
Analyst: Douglas Wulf (Phone: 515-281-3250) (douglas.wulf@legis.state.ia.us)
Fiscal Note Version – New

Description

House amendment **H-8116**, if adopted, would make the following changes to **HF 2421**.

- Requires all contractors and subcontractors to use an electronic verification (e-verify) approved by the U.S. Department of Homeland Security to verify the work authorization status of newly hired employees, pursuant to the federal Immigration Reform and Control Act of 1986.
- Requires a public body issuing a contract for a public improvement to award the contract only if all contractors and subcontractors agree to use the federal e-verify program to insure the employment eligibility of all workers that will perform work on the public improvement.
- Requires all contractors and subcontractors to submit certified payroll records and one-time verification records from the e-verify program to the public body.
- Adds a violation for failing to require a minimum ten-hour construction safety program approved by the U.S. Occupational Safety and Health Administration.
- Requires the Labor Commissioner to utilize the federal Davis-Bacon Act wage rates and fringe benefit rates until the first annual establishment of prevailing wages. Also requires the adoption of rules to implement this section to be effective on July 1, 2011.

- Changes the effective date of the Bill to July 1, 2011, except for the provision requiring adoption of rules to require the temporary wage rate determinations set under the federal Davis-Bacon Act.
- Specifies that the requirement for utilizing the prevailing wage rates determined by the Division of Labor becomes applicable January 2, 2012.

Assumptions

- The use of Davis-Bacon wage and benefit rates until the first prevailing wage rates can be determined would eliminate FY 2011 costs for the Department of Workforce Development as the only work to be completed by them is to establish a link to the Davis-Bacon wage rates on the Division of Labor webpage.
- The hiring of a field auditor would be delayed 6 months during FY 2012, resulting in a decrease in wage costs of $31,500.
- The Board of Regents estimates a need for $315,000 and 3.0 FTE positions (one at each University) for FY 2011 and $313,000 in FY 2012 to administer the provisions of this Bill. Of that amount the State General Fund share would vary by University from 40.8% at the University of Iowa to 53.8% at the University of Northern Iowa. At 45.0% the cost to the State General Fund would be $142,000 in FY2011 and $141,000 in FY 2012 with most of the remaining costs paid for with tuition funds.
- The Bill delays the effective date for the requirements related to the Department of Workforce Development (IWD). There would be a reduced first years costs of $31,500 due to a delay of six months in the hiring of a field auditor. The IWD estimates no cost for FY 2011 and a need for 3.5 FTE positions to administer the requirements of the prevailing wage law beginning in FY 2012. The IWD estimates cost to the General Fund of $435,000 in FY 2012.

Fiscal Impact

If **H-8116** is adopted, the cost of **House File 2421** to the State General Fund is estimated at $142,000 for the Board of Regents in FY 2011 and $577,000 for FY 2012 to fund costs estimated by the IWD and the Board of Regents. Other potential costs, revenues, and savings are possible, but cannot be estimated.

Source

Department of Workforce Development

/s/ Holly M. Lyons

February 25, 2010

The fiscal note for this bill was prepared pursuant to **Joint Rule 17**. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

LEGISLATIVE SERVICES AGENCY

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Fiscal Note

Fiscal Services Division

HF 2504 – Flood Areas, Double Fines (LSB 5910HV)
Analyst: Jennifer Acton (Phone: 515-281-7846) (jennifer.acton@legis.state.ia.us)
Fiscal Note Version – New

House File 2504 doubles criminal fines and civil penalties in disaster areas and takes effect upon enactment.

Background

Correctional and Fiscal Information

Current Fine Amount vs. Proposed Fine Amount in a Disaster Area

Code Section	Crime	Classification	Minimum Fine	Min. Fine HF 2504
711.3	Robbery in the Second Degree	Class "C" Felony	$ 1,000	$ 2,000
711.4(7)	Extortion	Class "D" Felony	750	1,500
712.3	Arson in the Second Degree	Class "C" Felony	1,000	2,000
712.4	Arson in the Third Degree	Aggr. Misdemeanor	625	1,250
712.5	Reckless use of fire or explosives	Serious Misdemeanor	300	600
712.6(1)	Person possessing an incendiary or explosive device with intent to commit a public offense	Class "C" Felony	1,000	2,000
712.6(2)	Person possessing an incendiary or explosive device	Aggr. Misdemeanor	625	1,250
713.4	Attempted Burglary in the First Degree	Class "C" Felony	1,000	2,000
713.5	Burglary in the Second Degree	Class "C" Felony	1,000	2,000
713.6	Attempted Burglary in the Second Degree	Class "D" Felony	750	1,500
713.6A(1)	Burglary in the Third Degree	Class "D" Felony	750	1,500
713.6A(2)	Burglary in the Third Degree - car or boat	Aggr. Misdemeanor	625	1,250
712.6A(2)	Attempted Burglary in the Third Degree	Aggr. Misdemeanor	625	1,250
713.6B	Attempted Burglary in the Third Degree - car or boat	Serious Misdemeanor	315	630
713.7	Possession of Burglar's Tools	Aggr. Misdemeanor	625	1,250
714.2(1)	Theft in the First Degree	Class "C" Felony	1,000	2,000
714.2(2)	Theft in the Second Degree	Class "D" Felony	750	1,500
714.2(3)	Theft in the Third Degree	Aggr. Misdemeanor	625	1,250
714.2(4)	Theft in the Fourth Degree	Serious Misdemeanor	315	630
714.2(5)	Theft in the Fifth Degree	Simple Misdemeanor	65	130
716.3	Criminal Mischief in the First Degree	Class "C" Felony	1,000	2,000
716.4	Criminal Mischief in the Second Degree	Class "D" Felony	750	1,500
716.5	Criminal Mischief in the Third Degree	Aggr. Misdemeanor	625	1,250
716.6	Criminal Mischief in the Fourth Degree	Serious Misdemeanor	315	630
716.6	Criminal Mischief in the Fifth Degree	Simple Misdemeanor	65	130
455B.307	Illegal Dumping	Civil Penalty	$5,000/day	$10,000/day
455B.307A	Illegal Discard of Solid Waste	Civil Penalty	$1,000/day	$2,000/day

Minority Data Information

The U.S. Census estimate for Iowa was 3.0 million people as of July 1, 2008 (the most current estimates available). Men comprise 49.3% of the population. Approximately 92.0% of Iowa's population is white. The composition of the remaining 8.0% is: 3.2% black, 0.3% American Indian or Alaska Native; 1.7% Asian; and 2.8% is of two or more races or unknown.

Assumptions

Correctional and Fiscal Information

- The doubling of fines and penalties applies to criminal offenses committed during the disaster declaration or proclamation and for three years after the date the disaster or emergency ends.
- Data was compiled using Linn County for the six months prior to the 2008 flood and the six months after, for offenses that occurred during that time. According to the Justice Data Warehouse, in the six months prior to June 2008, there were 341 convictions for the targeted offenses that occurred during that time period. For the six-month period from June to November 2008, there were 246 convictions for offenses that occurred during that time period.
- Collections for fines vary on the size of the fine. One year collection rates for criminal offenses (felonies and indictable misdemeanors) for FY 2009 ranged from 5.0% to 5.7%.
- The number of disaster declarations varies by year and by area of the State.

Minority Data Information: Approximately 14.0% of Iowa's population has at least one disability. The number of disabled offenders convicted under this Bill may be 14.0%.

Summary of Impacts

Correctional Impact: The overall correctional impact of this Bill cannot be determined because it is difficult to determine the number of convictions. The number of convictions based on offense data may be lower because law enforcement activities may be disrupted and channeled into other priorities. The number of incidents may be higher during a disaster, but the number of arrests and convictions may be less due to fewer offenders being arrested.

Minority Impact: Twelve months after the flood in Linn County, there were 100 offenders convicted of the listed felony offenses, and 936 offenders convicted of the misdemeanor offenses. Where race is known, 30.9% of the misdemeanor offenders were African American and 22.2% of the felony offenders were African American. Of the misdemeanor offenders, 57.0% were Caucasian and 69.5% of the felons were Caucasian. If the enhanced penalties are available for a three-year period, there may be a substantial impact on minorities.

Fiscal Impact: The fiscal impact of this Bill cannot be determined as it is difficult to determine the fines imposed and collected. A conviction would result in a doubled fine and range from $130 for a simple misdemeanor to $2,000 for a Class C felony. The 35.0% Criminal Penalty Surcharge would be applied to the increased fine amount. The increased revenue from the fine would range from $65 to $1,000, adjusted for a collection rate of 5.0%. The Surcharge increase would range from $22.75 to $350. The revenue in **HF 2504** includes money deposited in the General Fund, the Victim Compensation Fund, the Department of Transportation, and distributed to cities and counties.

Sources

Criminal and Juvenile Justice Planning Division

/s/ Holly M. Lyons

February 24, 2010

The fiscal note for this bill was prepared pursuant to Joint Rule 17 and the correctional and minority impact statements were prepared pursuant to Code Section 2.56. Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.

LEGISLATIVE SERVICES AGENCY

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Fiscal Note

Fiscal Services Division

HF 2470 – Election Law Changes (LSB 6187HV)
Analyst: Joseph Brandstatter (Phone: 515-281-8223) (joseph.brandstatter@legis.state.ia.us)
Fiscal Note Version – New

Description

House File 2470 makes various changes to laws relating to absentee voting and voter registration including:

- Adds to the list of documents that are accepted for the purposes of establishing residency for election day. Receipts for payment of property tax, a utility bill, or a bank statement with the current address are all considered acceptable documentation to establish residency.
- Requires the Secretary of State to include space on the voter registration form for the registrant to indicate whether the voter would like to request an absentee ballot for the next election effective January 1, 2012.
- Requires the name and address of each person casting a provisional ballot.
- Requires that spaces on the absentee ballot application form be arranged in such a manner that required information is at the beginning of the form before spaces for optional information effective January 1, 2012.
- Requires that once a special precinct election board is convened to count absentee and provisional ballots, the count must be continued until complete unless an equipment malfunction causes the count to be interrupted.
- Requires reports be recorded on the Statewide voter registration system with 48 hours of receipt of the application by the Secretary of State.

Assumptions

- The Secretary of State's Office will print new signs and instructional materials for polling places at the cost of $7,000 for FY 2011.
- Requires considerable changes to the Statewide voter registration system and would require an outside contractor to develop software programs at the cost of $90,000 for FY 2011.
- New design and printing of the voter registration form and distribution of the forms statewide to counties and all designated voter registration agencies will cost of $75,000 in FY 2012.
- Requires new absentee ballot forms, new design, and distribution to the counties at the cost of $35,000 for FY 2012.

Fiscal Impact

The additional estimated cost to the State General Fund is $97,000 for FY 2011 and $110,000 for FY 2012. Additional costs to counties cannot be determined at this time.

Sources

Secretary of State, Iowa Association of Counties

/s/ Holly M. Lyons

February 24, 2010

The fiscal note for this Bill was prepared pursuant to **Joint Rule 17**. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.