

CHAPTER 1138**MERCURY-CONTAINING LAMPS RECYCLING STUDY***S.F. 2321*

AN ACT relating to the recycling of mercury-containing lamps by providing for a study.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **MERCURY-CONTAINING LAMPS RECYCLING PROGRAM STUDY.**

1. The department of natural resources shall conduct a study on and make recommendations for the implementation and financing of a convenient and effective mercury-containing lamp recycling program. The department shall submit a report containing the recommendations to the general assembly by January 1, 2009.

2. The department shall consult with stakeholders including persons who represent retailers of mercury-containing lamps, waste haulers, mercury-containing lamp recyclers, mercury-containing lamp manufacturers, cities, counties, environmental organizations, public interest organizations, and other interested parties that have a role or interest in the recycling of mercury-containing lamps.

3. In conducting the study, the department shall assess potential methods for establishing and financing a convenient and effective statewide recycling program for mercury-containing lamps. The assessment includes but is not limited to all of the following:

- a. The recycling challenges unique to rural and urban areas.
 - b. The involvement of mercury-containing lamp manufacturers.
 - c. The various methods of financing recycling programs for mercury-containing lamps.
 - d. The various methods to encourage the return of mercury-containing lamps for recycling.
 - e. The impact of different recycling approaches on local governments, nonprofit organizations, waste haulers, and other stakeholders.
 - f. The existing recycling infrastructure that could be used for mercury-containing lamp recycling.
 - g. Information obtained from existing mercury-containing lamp recycling programs.
4. The department shall also describe in the report what improvements could be achieved through voluntary efforts by stakeholders and what efforts would require legislation or the adoption of rules to implement a statewide recycling program for mercury-containing lamps.

Approved May 7, 2008

CHAPTER 1139**LIABILITY INSURANCE COVERAGE FOR FAIRS***S.F. 2337*

AN ACT relating to the purchase of liability insurance and to self-insurance by the association of Iowa fairs.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 87.4, Code 2007, is amended to read as follows:

87.4 GROUP AND SELF-INSURED PLANS — TAX EXEMPTION — PLAN APPROVAL.

For the purpose of complying with this chapter, groups of employers by themselves or in an

association with any or all of their workers, may form insurance associations as hereafter provided, subject to such reasonable conditions and restrictions as may be fixed by the insurance commissioner; and membership in such mutual insurance organization as approved, together with evidence of the payment of premiums due, shall be evidence of compliance with this chapter.

A self-insurance association formed under this section and an association comprised of cities or counties, or both, or the association of county¹ fairs or a fair as defined in section 174.1, or community colleges as defined in section 260C.2 or school corporations, or both, or other political subdivisions, which have entered into an agreement under chapter 28E for the purpose of establishing a self-insured program for the payment of workers' compensation benefits are exempt from taxation under section 432.1.

A plan shall be submitted to the commissioner of insurance for review and approval prior to its implementation. The commissioner shall adopt rules for the review and approval of a self-insured group plan provided under this section. The rules shall include, but are not limited to, the following:

1. Procedures for submitting a plan for approval including the establishment of a fee schedule to cover the costs of conducting the review.
2. Establishment of minimum financial standards to ensure the ability of the plan to adequately cover the reasonably anticipated expenses.

A self-insured program for the payment of workers' compensation benefits established by an association comprised of cities or counties, or both, or the association of county² fairs or a fair as defined in section 174.1, or community colleges, as defined in section 260C.2, or other political subdivisions, which have entered into an agreement under chapter 28E, is not insurance, and is not subject to regulation under chapters 505 through 523C. Membership in such an association together with payment of premiums due relieves the member from obtaining insurance as required in section 87.1. Such an association is not required to submit its plan or program to the commissioner of insurance for review and approval prior to its implementation and is not subject to rules or rates adopted by the commissioner relating to workers' compensation group self-insurance programs. Such a program is deemed to be in compliance with this chapter.

The workers' compensation premium written on a municipality which is a member of an insurance pool which provides workers' compensation insurance coverage to a statewide group of municipalities, as defined in section 670.1, shall not be considered in the determination of any assessments levied pursuant to an agreement established under section 515A.15.

Sec. 2. NEW SECTION. 174.8A LIABILITY INSURANCE.

The association of Iowa fairs, or a fair, shall have the power to join a local government risk pool as provided in section 670.7.

Sec. 3. Section 670.7, Code 2007, is amended to read as follows:

670.7 INSURANCE.

1. The governing body of a municipality may purchase a policy of liability insurance insuring against all or any part of liability which might be incurred by the municipality or its officers, employees, and agents under section 670.2 and section 670.8 and may similarly purchase insurance covering torts specified in section 670.4. The governing body of a municipality may adopt a self-insurance program, including but not limited to the investigation and defense of claims, the establishment of a reserve fund for claims, the payment of claims, and the administration and management of the self-insurance program, to cover all or any part of the liability. The governing body of a municipality may join and pay funds into a local government risk pool to protect itself against any or all liability. The governing body of a municipality may enter into insurance agreements obligating the municipality to make payments beyond its current budget year to provide or procure the policies of insurance, self-insurance program, or local government risk pool. The premium costs of the insurance, the costs of a self-insurance program, the costs of a local government risk pool, and the amounts payable under the insurance agree-

¹ See chapter 1191, §121 herein

² See chapter 1191, §122 herein

ments may be paid out of the general fund or any available funds or may be levied in excess of any tax limitation imposed by statute. However, for school districts, the costs shall be included in the district management levy as provided in section 296.7 if the district has certified a district management levy. If the district has not certified a district management levy, the cost shall be paid from the general fund. Any independent or autonomous board or commission in the municipality having authority to disburse funds for a particular municipal function without approval of the governing body may similarly enter into insurance agreements, procure liability insurance, adopt a self-insurance program, or join a local government risk pool within the field of its operation.

2. The procurement of this insurance constitutes a waiver of the defense of governmental immunity as to those exceptions listed in section 670.4 to the extent stated in the policy but shall have no further effect on the liability of the municipality beyond the scope of this chapter, but if a municipality adopts a self-insurance program or joins and pays funds into a local government risk pool the action does not constitute a waiver of the defense of governmental immunity as to the exceptions listed in section 670.4.

3. The existence of any insurance which covers in whole or in part any judgment or award which may be rendered in favor of the plaintiff, or lack of any such insurance, shall not be material in the trial of any action brought against the governing body of a municipality, or its officers, employees, or agents and any reference to such insurance, or lack of insurance, is grounds for a mistrial. A self-insurance program or local government risk pool is not insurance and is not subject to regulation under chapters 505 through 523C.

4. The association of county fairs as defined in section 174.1, or a fair,³ shall be deemed to be a municipality as defined in this chapter only for the purpose of joining a local government risk pool as provided in this section.

Approved May 7, 2008

CHAPTER 1140

ALZHEIMER'S DISEASE SERVICES

S.F. 2341

AN ACT relating to Alzheimer's disease and similar forms of irreversible dementia.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION.** 135.154 ALZHEIMER'S DISEASE SERVICE NEEDS.

1. The department shall regularly analyze Iowa's population by county and age to determine the existing service utilization and future service needs of persons with Alzheimer's disease and similar forms of irreversible dementia. The analysis shall also address the availability of existing caregiver services for such needs and the appropriate service level for the future.

2. The department shall modify its community needs assessment activities to include questions to identify and quantify the numbers of persons with Alzheimer's disease and similar forms of irreversible dementia at the community level.

3. The department shall collect data on the numbers of persons demonstrating combative behavior related to Alzheimer's disease and similar forms of irreversible dementia. The department shall also collect data on the number of physicians and geropsychiatric units available in the state to provide treatment and services to such persons. Health care facilities that serve such persons shall provide information to the department for the purposes of the data collection required by this subsection.

³ See chapter 1191, §132 herein