



## 2010 Inactive (Dead) Bills

Good ideas, bad ideas, silly ideas – these bills just didn't make it through the entire legislative process in the 2010 session, and are therefore dead. Watch out – these bills have a way of coming back as new bills in future sessions.

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**HF 234 - Mental Health Parity:** Enacts the "Equality in Health Care Coverage & Veterans Wellness Act" - a bill introduced last year (HF 234). Requires all state regulated health insurance plans to pay for the treatment of all mental illness and substance use disorders. Coverage is to be the same as for the treatment of physical illnesses (same copays, limits, managed care principals). "Mental Illness" includes everything in the most recent version of the Diagnostic & Statistical Manual (DSM) of the American Psychiatric Association. Effective 7/1/2010. AMENDMENT: The House Human Resources Committee amendment struck the entire bill, replacing it with generic language stating that it is the intent of the Legislature to require insurance coverage for the treatment of mental illness, including substance use disorders. This change was made in order to get the bill out of committee while working on a bipartisan compromise. *(FINAL STATUS: House Floor; Floor Manager: Rep. Wessel-Kroeschell)*

**HF 777 - Open Meetings/Public Records:** Makes a number of changes clarifying Iowa's laws on public records and open meetings. SENATE AMENDMENT: Strikes the entire amendment and replaces it with a five-member gubernatorial appointed Iowa Public Information Board charged with interpreting and enforcing laws related to public records and open meetings. *(FINAL STATUS: House Floor, Second Time; Passed House 99-0; Passed & Amended by Senate 35-13; Floor Manager: Rep. Lensing)*

**HF 2022 - Inmate Earned Time:** Increases the amount of earned time an inmate can earn for a reduced sentence from 1.2 days to 1.5 days for each day of good conduct/program participation. *(FINAL STATUS: House Judiciary Committee; Rep. R. Olson (Chair), Wessel-Kroeschell & Baudler)*

**HF 2043 - Public Financing of Elections Study:** Requires the Ethics & Campaign Disclosure Board to study and make recommendations on the feasibility of public financing of elections in Iowa. Sponsored by Rep. Isenhart & 20 House Democrats *(FINAL STATUS: House State Government Committee; Rep. Cohoon (Chair), Frevert & Pettengill)*

**HF 2096 - Institute for Public Policy:** Establishes a non-profit Iowa Institute for Public Policy designed to help lawmakers make informed judgments about important long-term issues facing the state and improve the effectiveness of state government. The 12-member board of directors includes four legislators, two members appointed by the Governor, three members appointed by each of the Regents institutions, one member appointed by the community colleges, one member appointed by the independent colleges, and the director of the Legislative Services Agency. Institute employees are state employees and eligible for state benefits. Sponsored by Rep. Isenhart & Rep. Koester. *(FINAL STATUS: House State Government Committee; Subcommittee: Rep. Isenhart (Chair), Koester & Lensing)*

**HF 2123 - Veteran's Mental Health:** Requires the court to hold a presentence hearing to determine if a combat veteran who has committed a crime did so as a result of Post Traumatic Stress Disorder, substance abuse, or psychological problems stemming from combat service. If the court determines these conditions are met, the court can place the veteran in a mental health or substance abuse facility that has a history of successfully treating such disorders. If conditions are not met, the court is to move forward with sentencing. Sponsored by Rep. Tymeson (*FINAL STATUS: House Veterans Affairs Committee; Rep. Zirkelbach (Chair), Chambers, & Mascher*)

**HF 2127 - Predatory Lending/Pay Day Loans:** Places restrictions on pay day lenders, allowing them to choose between unlimited loans at a capped 36% APR interest rate or charging a higher rate limited to six loans per person, per year. To charge the higher rate, the lender must file a notice of intent with the Superintendent of Banking. Places restrictions on collections - cannot proceed with collections until the person has a chance to repay the debt with a \$15 charge if biweekly payments are made, and prohibits a lender from reselling the debt. The 36% APR is the same percentage rate limitation imposed by Congress on loans to military personnel and their families. (*FINAL STATUS: House Commerce Committee; Rep. Wenthe (Chair), Helland, Kressig, Reasoner & Sands*)

**HF 2373 - Criminal Offense/Intimidation with Dangerous Weapon:** Clarifies that a felony "intimidation with a dangerous weapon" offense must be reckless. This places a higher standard for a felony conviction. Recommendation of the Criminal Code Restructuring Study Committee. (*FINAL STATUS: House Floor; Floor Manager: Rep. R. Olson*)

**HF 2378 - Uniform Penalty/Escapes from Custody:** Equalizes the criminal penalty for all escapes or attempted escapes from custody (making it a D felony for all escapes). Recommendation of Criminal Code Restructuring Study Committee. (*FINAL STATUS: House Floor; Floor Manager: Rep. R. Olson*)

**HF 2439 - Mental Health/Federal Firearms Law:** This is a "shell bill" that basically states the intent of the Legislature to do something about the issuance of gun permits to address changes in federal law. Earlier versions required the Clerk of District Court to notify the Department of Public Safety (DPS) of all adjudications of persons involuntarily committed to a mental institution for inpatient or outpatient treatment for mental illness (under chapter 229). DPS will only use the information to submit to comply with federal law by submitting information to the FBI's National Instant Criminal Background Check System. Persons committed for inpatient or outpatient treatment are not allowed by law to have firearms (waiver process is included). Effective January 1, 2011. (*FINAL STATUS: House Floor; Floor Manager: Rep. R. Olson*)

**HF 2470 - Election Law Technical Changes:** Makes various changes to absentee voting and voter registration laws. Election officials who refuse to allow a voter to cast a provisional ballot will be guilty of an aggravated misdemeanor under this bill (punishable by two years in jail and up to \$6,350 fine). Adds to the list of documents that can be used to prove residency when registering on election day or for in-person absentee voter registration. Currently a voter can show a property tax statement or utility bill with their

name and address on it. This bill allows a receipt for payment of these items to be used, as long as the person's name and address are on that receipt. The bill also adds a "printed blank check" with the person's name and address or on it as proof of residency. Finally, the bill allows a current bank statement in either electronic or printed form be used as proof (right now it must be printed). Adds to the voter registration form a check box allowing a person to indicate if they wish to request an absentee ballot. Eliminates the law allowing a precinct election official to ask for identification of any voter they do not know. Election officials will now need to include in their post-election list the name and address of all persons casting a provisional ballot (this list is available for public inspection, but now only includes the numbers in aggregate). Strikes the reasons a voter may request an absentee ballot from law (replacing it with language that a voter may request it). This change clarifies that a voter can cast an absentee ballot for any reason. Allows a voter to request an absentee ballot at any time (current law does not allow a request more than 70 days before the election). Under this bill, an election commissioner would hold onto the request and process it when ballots become available. Requires absentee ballots be redesigned so all required information is at the top, and optional information at the end. Makes additional changes related to county election commissioner duties. Effective upon enactment and applicable to elections beginning 5/15/2010. *(FINAL STATUS: House Floor; Floor Manager: Rep. Gaskill)*

**HSB 590 - Mental Health Parity:** Enacts the "Equality in Health Care Coverage & Veterans Wellness Act" - a bill introduced last year (HF 234). Requires all state regulated health insurance plans to pay for the treatment of all mental illness and substance use disorders. Coverage is to be the same as for the treatment of physical illnesses (same copays, limits, managed care principals). "Mental Illness" includes everything in the most recent version of the Diagnostic & Statistical Manual (DSM) of the American Psychiatric Association. Effective 7/1/2011. *(FINAL STATUS: House Commerce Committee; Rep. Petersen (Chair), D. Olson, Struyk, Windschitl & Zirkelbach)*

**HSB 681 - MH/DS Pilot Projects:** Authorizes the Department of Human Services (DHS) to implement county mental health, mental retardation, and developmental disabilities (MH/MR/DD) services pilot projects. A pilot project area must be comprised of at least five counties with a general population of at least 75,000 and not more than 250,000. The initial pilot project period is limited to the three fiscal years beginning July 1, 2010, and ending June 30, 2013. The pilot project provisions are required to be outlined in an agreement between the department and pilot project counties and may include any of the following: pooling of state funding, pooling of medical assistance program home and community-based services waiver slots, decategorizing of funding streams, adapting any new program requirements to optimize implementation within the pilot project counties, establishing as a standard practice the use of functional assessment tools to determine the functional needs of a consumer and develop an individual budget allocation for each consumer, reallocation of the state funding distributed to the pilot project counties based upon individual budget allocations and county administrative costs and historical needs, and use of a levy rate limit for MH/MR/DD services fund property taxes in lieu of a dollar amount levy limit. The pilot project counties are required to provide evaluation and outcome information. A list of possible outcomes which may be realized by the pilot projects is provided. *(FINAL STATUS: House Human Resources Committee; Subcommittee: Rep. Heddens (Chair), Smith & L. Miller)*

**SF 2235 - LIHEAP/Fuel Deliveries:** Prohibits vendors of delivered fuels to stop deliveries between November 1 and April 1 if a customer qualifies for LIHEAP or can make a payment of at least \$250 (unless the person has exceeded the annual allotment for LIHEAP), regardless of the balance. Allows up to 25% of the payment made to be put toward any unpaid balance. *(FINAL STATUS: House Floor; Passed Senate 34-16; Floor Manager: Rep. Reichert)*

**SF 2252 - Public Safety & Criminal/Juvenile Justice Advisory Boards:** Establishes a new Public Safety Advisory Board (members determined by the CJJP Council, but decisions of the board are separate and distinct from CJJP Council decisions). Requires the board to review and make recommendations on current sentencing guidelines and requires consideration of impact on potential disparity in sentencing, truth in sentencing, the victim, the proportionality of the sentence, sentencing procedures, costs, and best practices of the Department of Corrections, the Iowa Child Death Review Team, and the Iowa Domestic Abuse Death Review Team. Requires the board to review proposed legislation and provide expertise to Legislative Fiscal Bureau, the Department of Corrections, the Judicial Branch, and other departments or agencies charged with formulating fiscal, correctional, and minority impact statements. Requires the board to review data provided by other agencies to determine the effectiveness and efficiency of the collection of such data. The bill does not require the production or opening of any records which are required by law to be kept private or confidential. Expanded duties are not implemented until sufficient funding is available. Recommendation of Criminal Code Restructuring Study Committee (the bill originally included changes in membership to the Criminal Juvenile Justice Planning Council, but the balance was thrown heavily to law enforcement, causing controversy, so it was taken out by the Senate). SIMILAR LANGUAGE WAS ADDED TO THE STANDINGS BILL (HF 2531). *(FINAL STATUS: House Floor; Passed Senate 45-0; Floor Manager: Rep. Ford)*

**SF 2270 - Family Friendly Workplace:** Requires employers to give a breast-feeding employee reasonable time each day to express breast milk (paid or unpaid) for up to two years after birth. Requires reasonable efforts be made to give the employee a private place other than a toilet stall to express breast milk. Requires Iowa Workforce Development to maintain information on its website to give employers ideas to accommodate breast-feeding employees. Requires mediation before an employee can sue for violation of this law. Sponsored by Sen Jochum; Successor to SF 2112; Companion bill HF 2272 (sponsored by Rep. Abdul-Samad & Willems) died in first funnel. *(FINAL STATUS: House Floor; Passed Senate 29-15; Floor Manager: Rep. Willems)*

**SF 2349 - Autism Insurance Coverage:** Requires Iowa's state employee insurance plans include coverage for the diagnosis and treatment of autism spectrum disorders, including habilitation services. Estimates based on real experience in other states expect this to cost the state between \$16,000-\$66,000 in premium increases (based on .20/subscriber to .83/subscriber annual premium rate increases). Successor to SF 1. SIMILAR LANGUAGE WAS ADDED TO THE STANDINGS BILL (HF 2531), BUT IT ONLY COVERS STATE EMPLOYEE HEALTH PLANS. *(FINAL STATUS: House Floor; Passed Senate 42-8; Floor Manager: Rep. T. Olson)*

**SSB 3034 - Credit Default Insurance:** Regulates the sale of credit default insurance and establishes minimum requirements that must be met in order to sale it in the state. Effective 7/1/2010. *(FINAL STATUS: Senate Commerce Committee; Sen. Dandekar (Chair), McCoy & Kettering)*

**SSB 3191 & HSB 687 - Charitable Organization Contributions:** SSB 3191 & HSB 687 Charitable Organization Contributions Sponsored by the Attorney General. The bill regulates charitable organizations that solicit contributions for a charitable purpose associated with a benevolent, educational, philanthropic, humane, scientific, patriotic, social welfare or advocacy, public health, environmental, conservation, civic, or other charitable objective. According to the bill, a charitable organization must be registered with the attorney general prior to soliciting contributions in this state. The registration statement must include information regarding its business and fund-raising activities. The charitable organization must also file amendment statements that reflect material changes to the organization and a financial report which includes information for the charitable organization's most recent fiscal year as provided by the attorney general or a copy of a completed federal tax form 990 filed by nonprofit organizations. A charitable organization must also pay filing fees with the fee based on the amount of receipts collected by the charitable organization. The bill provides for a number of exceptions from the registration requirements, which apply to religious organizations; political parties, political candidates, and political action committees; organizations that receive contributions from 10 persons or less; and foundations including those associated with the state board of regents and community colleges. The bill contains several related provisions governing professional commercial fundraisers and use of a charitable organization's name. The bill would retain a provision that delegates rule making authority to the attorney general, and authorizes the attorney general to promulgate forms. The bill establishes a charitable solicitations administration fund under the control of the attorney general and retains language from Iowa Code which provides the attorney general with enforcement authority. *(FINAL STATUS: Senate Commerce Committee; Subcommittee: Sens. Courtney (Chair), Schmitz & Hartsuch; House: Rep. Quirk (Chair), Windschitl & Reasoner)*

**SSB 3246 - State Spending Limit Changes:** Makes significant changes to the state budget process. Establishes a 7-year adjusted average for the revenue estimates used for the 99% spending limit. Requires the REC to make estimates for the current and next fiscal year and for lottery revenues at each meeting. Requires the use of a 7-year adjusted average estimate for lottery revenues. Does not allow the Governor to reduce school aid (Allowable Growth) if state revenues are insufficient (requires legislative action). Includes accruals in the adjusted revenue estimate and defines inflation to mean the CPI for the Midwest. Establishes a limitation on spending for gambling revenues. Credits money over the Economic Emergency Fund (EEF) limit to a new non-recurring expenditure fund in the Department of Management, and limits appropriations from the fund to vertical infrastructure. Puts the state share of forfeitures in the Cash Reserve Fund (CRF). Adds thresholds for withdrawals from the CRF. Effective beginning July 1, 2010, for the budget next in fiscal year. *(FINAL STATUS: Senate Appropriations Committee; Subcommittee: Sen. Dvorsky & Kettering)*